



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12083 of 2021

P.Bala Chandru

... Petitioner/Accused Rank not Known

Vs

The State rep.by
The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
Crime No.247 of 2021.

... Respondent/Complainant

For Petitioner : Mr.ANANTH C.RAJESH,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor(crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

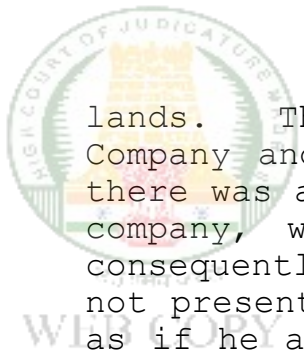
For Anticipatory Bail in Crime No.247 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 449, 307, 302, 506(ii), 109 & 120(b) r/w. 34 IPC, in Crime No.247 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. A complaint has been lodged by the Project Manager of L & T Pvt. Company. The said L&T Pvt. Company is engaged in installation of Solar Plant for NLC India Ltd. at Subbiahpuram. The deceased Thiagarajan was working as Accounts Manager of the said Company. On the date of occurrence, i.e. on 31.03.2021, at about 3.45 p.m. when the deceased Thiagarajan was doing his work along with his Accounts Assistant at NLC control room, Al-Murugan, accompanying by his associates, came to the control room, attacked the deceased and his Assistant brutally, due to which, the deceased breathed his last and his Assistant had sustained grievous injuries on his head.

3. The learned counsel for the petitioner submits that the defacto complainant Company purchased all the lands surrounding the lands of Al, put up fencing, by preventing Al to enter into his



lands. Therefore, the villagers have raised an issue with the Company and requested for providing pathway to A1. At that time, there was a wordy quarrel between the villagers and officials of the company, where, some of the accused assaulted the officers and consequently, the deceased died. Admittedly, this petitioner was not present in the place of occurrence, but, he has been implicated as if he also conspired for the commission of offence, since he is the son-in-law of A1. Therefore, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor filed a report of the Deputy Superintendent of Police, Alangulam Sub Division and submits that the petitioner is under training as a Soldier GD in the Army and he has not returned to the training Regiment. Therefore, the petitioner has been declared as a deserter with effect from 17.03.2021. He further submits that totally there are 17 accused in this case, out of which, 16 accused have been secured and five accused have been detained under Act 14 of 1982.

5. Considering the rival submissions made, it appears that the petitioner was not present in the place of occurrence and he has been falsely implicated in this case as if he conspired for the commission of offence, since he is the son-in-law of A1. It also appears that the occurrence took place on sudden quarrel arose between the villagers and the Company, when the villagers requested for a pathway to A1. But, the fact remains that A1 is having lands surrounding the lands purchased by the defacto complainant Company, which prevented A1 to enter into his lands.

6. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

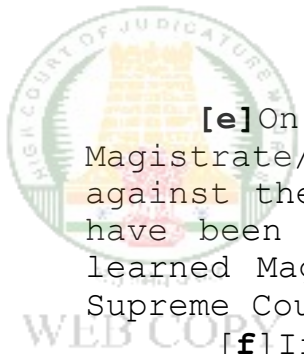
7. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/09/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE
ALANGULAM.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANANTH C.RAJESH Advocate SR.No.6331

ORDER

IN

CRL OP(MD) No.12083 of 2021

Date :17/09/2021

SA/PN/SAR.2/23.09.2021/3P/6C