



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.13745 of 2021

M.Palanikumar,

... Petitioner/Accused No.1

Vs

State Through
The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi K,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.190 of 2021 on the file of
the Respondent police.

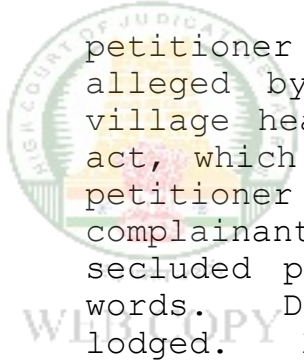
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent Police, for the offence punishable under Sections 147,
148, 387, 323 and 506(ii) IPC, in Crime No.190 of 2021, seeks
anticipatory bail.

2. The case of the prosecution is that totally there are
twelve accused persons in this case. The petitioner herein is
arrayed as A1. The defacto complainant, who is working as a coolie,
was in possession of one Nagamani stone. When the defacto
complainant was waiting for selling the said Nagamani stone, the
petitioner/A1, who came to know about the same, approached him and
told that he is having good party to buy the Nagamani stone. On
believing his words, on 26.08.20221, the defacto complainant went to
the old building near a Charitable Trust, where, A1, A2 and A3 were
present and when the defacto complainant was explaining about the
Nagamani Stone to A1, A2 and A3, one mob came there with deadly
weapons and threatened him to give the Nagamani stone. When the
defacto complainant refused to give the same, all the accused
persons attacked him with hands and stick, snatched the Nagamani
stone from him and ran away from that place.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioner submits that the



petitioner is an innocent and he has not committed any offence as alleged by the prosecution. In fact, the petitioner, being a village head, questioned the defacto complainant about his illegal act, which led to a motive between them. On several occasions, the petitioner advised him to avoid such act. However, the defacto complainant approached so many persons and used to assemble in secluded places in order to cheat the persons, who believed his words. Due to previous motive, this false complaint has been lodged. He further submits that the defacto complainant never sustained any injuries as stated in the FIR.

4. The learned Government Advocate (Crl. Side) submits that the said Nagamani Stone is found to be a duplicate one.

5. 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.

6. 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, Vilathikulam, 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 as and when required for interrogation;

[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.

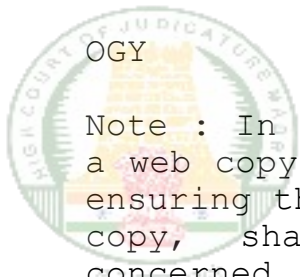
sd/-

17/09/2021

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



OGY

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.

WEB COPY

TO

1. THE LEARNED JUDICIAL MAGISTRATE,
VILATHIKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.13745 of 2021
Date :17/09/2021

SB/SKN/SAR-III/23.09.2021/3P/5C