



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

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15555 of 2021

WEB COPY

1. Joshy Sebastian,

2. Jomon Mathew,

... Petitioners / Accused 1 and 2

Vs

State Rep. by its
The Inspector of Police,
Gudalur South Police Station,
Theni District
(Cr.No.245/2021).

... Respondent/Complainant

For Petitioner : M/s. Kannan.K.,
Advocate.

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

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

PRAYER :-

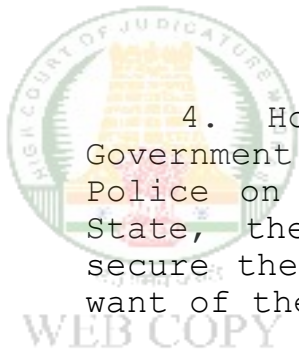
For Anticipatory bail in Crime.No.245 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the
respondent police for the offence under Sections 147, 148, 286, 324,
332, 353, 506(ii) IPC and 25(1)(A) of the Arms Act, r/w Section 21
(d) of Tamil Nadu Forest Act, in Crime No.245 of 2021, seek
anticipatory bail.

2. The prosecution case is that on 30.06.2021, when the defacto
complainant and other forest officials were in rounds duty at
Chellarcovil Mettu Beat, Egalathu Beat junction, around 11.30 pm,
they found movement of some persons and rounded them. At that time,
one accused shot the officials with country made gun and another
accused attacked them with aruval and thereafter, fled away from the
place by leaving plastic gunny bags. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted
that one of the accused has been arrested and released on bail by
the Judicial Magistrate and the investigation is almost
over.



4. However, the same has been disputed by the learned Government Advocate (Criminal Side) appearing for the respondent Police on the ground that these petitioners belong to the Kerala State, they are absconding and the respondent Police could not secure the accused persons. The investigation is still pending for want of these petitioners.

5. It appears that this is the third anticipatory bail petition. The earlier anticipatory bail Petitions filed in CrI.OP (MD)Nos.9445 and 13212 of 2021 were dismissed as against these petitioners, on the ground that the accused shot at the officials using the country made gun and there is specific allegation against the petitioners.

6. There is no change of circumstance. Considering the nature of offence involved in this case, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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 INSPECTOR OF POLICE,
GUDALUR SOUTH POLICE STATION,
THENI DISTRICT
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.15555 of 2021
Date :20/10/2021