



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.15350 of 2020

1. Thirunavugarasu
2. Kodeswaran
3. Rajavelu
4. Vengayan

... Petitioners/Accused No.1,3 to 5

Vs

State through its
The Inspector of Police,
Melur Police Station,
Madurai District,
[Crime No. 2113 of 2020]

... Respondent/Complainant

For Petitioners : Mr.Amalan.S.MP, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

For Intervener : Mr.S.M.A.Jinnah, Advocate

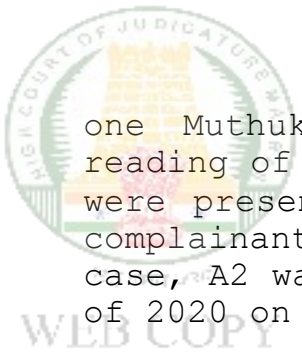
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

ORDER : The Court made the following order :-

The petitioners / A1, A3, A4 and A5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 324, 307 and 506 (ii) IPC in Crime No.2113 of 2020 on the file of the respondent Police seek anticipatory bail.

2.The gist of the case is that on 16.11.2020 at about 1.00am, when the *de facto* complainant was sleeping at his house, the petitioners armed with deadly weapons, surrounded him and attacked indiscriminately and the petitioners had escaped from the attack and thereafter, lodged the complaint.

3.The contention of the petitioners is that the petitioners have been falsely implicated in this case, due to previous murder of



one Muthukumar as to taken revenge against the petitioners. A reading of the complaint itself would disclose that so many presence were present in the place of occurrence and attacked the *de facto* complainant and he had escaped from the attack. However, in this case, A2 was arrested and he was granted bail in CrI.O.P(MD)No.15394 of 2020 on 03.12.2020.

4.The learned Counsel Government Advocate [CrI Side] would submit that the petitioners had attacked the *de facto* complainant to deter him being a witness in one Muthu Kumar's murder case and therefore, the petitioners had attacked the *de facto* complainant. Due to the attack, tension is prevailing in that area.

5.The learned Counsel for the intervenor submitted that the petitioners armed with deadly weapons attacked the *de facto* complainant, since he was a witness in one Muthu Kumar's murder case. Still Tension is prevailing in that area.

6.Considering the rival submissions made on either side and the materials placed on record and also considering the period of incarceration of the petitioners and also considering A2 already granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

(a)Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Melur and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure the identity;

(c)the petitioners shall report before the Chengalpet Town Police Station, Chengalpet daily at 10.30am., until further orders.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 petitioners 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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

sd/-
08/01/2021

/ /2021

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, MELUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE INSPECTOR OF POLICE,
CHENGALPET TOWN POLICE STATION,
CHENGALPET.

ORDER
IN
CRL OP(MD) No.15350 of 2020
Date : 08/01/2021
(2/2)

DSK
TE/KV/SAR-III : 20/01/2021 : 3P/6C