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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.18715 of 2021

Ulaganathan @ Vadivel

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Thuraiyur Police Station,
Trichy,
Trichy District.
(Crime No.610 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Prakash, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.610 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 429, 147, 148, 324, 506(ii) IPC, Section 25(1)(B)(a), 27(1) of Arms Act 1959 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.610 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 18.11.2021 at about 07.30AM, the *defacto* complainant heard the sound of gunfire and screaming of pigs, he went to the spot and found that the first accused was found in possession of country gun and the pig was shot and other accused persons were tied the pig with rope in its leg. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner not at all using country gun at the time occurrence, he is an innocent and not committed any such offence as alleged by the prosecution. The co-accused was already enlarged on bail.

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4.The learned Government Advocate (Crl.Side) would submit that the post mortem report of the pig was filed showing the cause of death, that the petitioner is not having any previous case at his credit and that the co-accused was already enlarged on bail.

5.Reading of FIR shows that the accused persons used the country gun to shoot the pig and the pig was died due to injuries sustained in the gun shot. In this regard, the post mortem certificate of the pig was produced by the respondent police. On perusal of report shows that there were two punctured wounds found and due to massive internal haemorrhage on account of the internal thoracic injury, death occurred. Even though, in the complaint it has been stated that country gun was used for the purpose of killing the pig, no gun shot injury was found on the body of pig.

6.Considering the facts and circumstances of this case, that the co-accused was already enlarged on bail on the same footing and that there was no usage of country gun used in the incident, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Thuraiyur, Trichy District 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 and the petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
22/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.IV)
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,
THURAIYUR, TRICHY DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY, TRICHY DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.PRAKASH.M Advocate SR.No.9667

ORDER
IN
CRL OP(MD) No.18715 of 2021
Date :22/12/2021

SP/CN/SAR IV/29/12/2021/3P/6C