



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

Date : 16.12.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19962 of 2021

WEB COPY

Kannadhasan

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.631 of 2021)

... Respondent

For Petitioner : Mr.A.Joseph Jerry
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.631 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

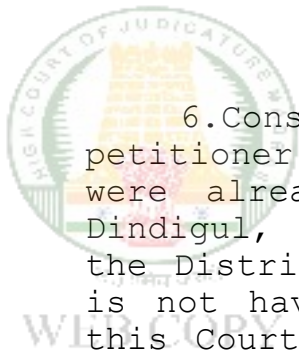
The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) and 306 IPC in Crime No.631 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have assaulted the deceased Prabhakaran/son of the de-facto complainant and criminally intimidated him to return back the laptop and mobile phone which were stolen. Due to the threat made by the accused persons, the son of the de-facto complainant had consumed poison and died. Hence, the complaint.

3.This is the second anticipatory bail application and the earlier petition filed by the petitioner was dismissed by order dated 23.11.2021 in CrI.O.P.(MD)No.16341 of 2021.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous cases is pending against the petitioner herein.



6.Considering the nature of the charges alleged against the petitioner and also the facts that the accused Nos.1, 2, 3 and 5 were already granted bail by the District and Sessions Court, Dindigul, and the fourth accused was granted anticipatory bail by the District and Sessions Court, Dindigul, and that the petitioner is not having any previous cases for similar or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal, Dindigul District, 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 learned 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., for a period of one month and thereafter, 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 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;

(f)if the accused No.6/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/12/2021

/ TRUE COPY /

/ /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.

WEB COPY

- TO
- 1.The Judicial Magistrate,
Kodaikanal, Dindigul District.
 - 2.Do Through The Chief Judicial Magistrate,
Dindigul District.
 - 3.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-9379[I] dated
16/12/2021)

ORDER
IN
CRL OP(MD) No.19962 of 2021
Date :16/12/2021

RS/PN/SAR4 (21.12.2021) 3P-6C