



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.20991 of 2021

Ravi Murrugaiah

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Somarasampet Police Station,
Trichy
(Crime No. 769 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Natarajan, Senior counsel
for M/s.A.Madhumathi, Advocate.

For Respondent : Mr.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

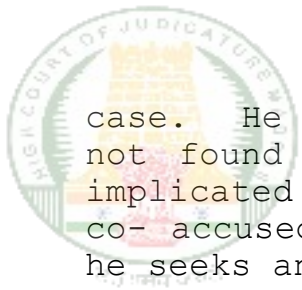
PRAYER :-For Anticipatory Bail in Crime No.769 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 109 and 302 of IPC , in Crime No.769 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is doing real estate business in the name and style of Vasan Estates, a housing plot and township development company since 1999 and he is also doing various social welfare assistance for the benefit of villagers of his business area. The allegation against the petitioner is that on 28.11.2021 at about 6.00 pm., A1 and A2 in this case trespassed into the house of the defacto complainant assaulted the husband of the defacto complainant with wooden stick, due to which he succumbed to injuries. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this



case. He would also submit that the name of the petitioner does not found place in the First Information Report and he has been implicated as an accused only based on the confession given by the co-accused and he was not present in the scene of occurrence, hence he seeks anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.side) for the respondent would submit that the investigation is still pending and the petitioner along with other accused said to have committed the murder of the deceased, hence he opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and even as per the First Information Report, the petitioner was not present in the scene of occurrence and the fact that only based on the confession given by the co-accused, the petitioner herein is arrayed as accused. Further as per the confession of A2, there is no averment about this petitioner and there is no averment that this petitioner has instigated the other accused to commit the murder, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered 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 No.V, Tiruchirapalli on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with 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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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/ TRUE COPY /

/ /2022
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 NO.V,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.MADHUMATHI, Advocate SR.No.9850.

ORDER
IN
CRL OP(MD) No.20991 of 2021
Date :29/12/2021

AAV
MK/VR/SAR.IV/03.01.2022/3P/6C