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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.20986 of 2021

C.Velladurai

... Petitioner/Accused No.2

Vs

The State rep by
The Inspector of Police,
Chokkampatti Police Station,
Chokkampatti, Tenkasi District.
Cr.No. 251 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Pragalathan.N,
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.251 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 302, 506(ii) of IPC r/w.109 of IPC , in Crime No.251 of 2021, seeks anticipatory bail.

2.The defacto complainant is the son of the deceased. The case of the prosecution is that due to some dispute regarding ridge (varappu) on 15.10.2021 at about 11.30 a.m., when the defacto complainant was ploughing his lands, at that time one Santhanapandi came there and quarreled with the deceased. He pulled the deceased and attacked him with aruval on his head. Immediately he was taken to hospital and admitted in Government Hospital on the same day and after taking treatment for about 10 days, the injured died in the hospital. Initially case was registered for the offences under Sections 294(b), 323, 324, 307 and 506(ii) of IPC and after the death of the injured the case has been altered to Sections 294(b),



323,324,302 and 506(ii) of IPC. Based on the further statement given by the defacto complainant the case has been again altered to Sections 294(b),323,324,302 and 506(ii) r/w.109 of IPC and this petitioner was added as accused.

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.

4.The learned Government Advocate (Crl.side) for the respondent would submit that there are totally four accused in this case and the petitioner herein is arrayed as A2. Due to some dispute regarding ridge(varappu) on 15.10.2021 at about 11.30 a.m. 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 the fact that 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 First Information Report there is no averment about this petitioner and on the statement recorded on 15.10.2021 there is no averment about this petitioner and only on the statement recorded on 25.10.2021 after 10 days, this petitioner has been implicated as an accused. Further A1 said to have committed the crime and this petitioner is no way connected with the said crime, 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, Tenkasi, Tenkasi District 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;

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[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.

Sd/-
29/12/2021

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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

ORDER
IN
CRL OP (MD) No.20986 of 2021
Date : 29/12/2021