



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4744 of 2022

1. Nagaraj
2. Nagavadivel

... Petitioners/Accused 2 & 7

Vs

The State represented by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.685 of 2021)

... Respondent/Complainant

For Petitioners: Mr.A.Uthayakumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.685 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.4 & A.8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341 and 302 IPC altered into Sections 147, 148, 341, 506(2) and 302 IPC r/w 120(b) IPC, in Crime No.685 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the accused persons attacked the defacto complainant with deadly weapons, as a result of which, he succumbed to the injuries and declared dead at the hospital. Hence, the complaint.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners were not present at the scene of occurrence and that they were implicated on the basis of the confession given by the first accused. He would further submit that the first petitioner is having seven previous cases, in which, three cases were already disposed of, one case was registered for the offence under Sections 307 and 506(2) IPC and other minor offences and three cases were registered in the year



2017 and 2010 and that the second petitioner is having two previous cases, in which, one case was already disposed of and one case was registered in the year 2017.

4.The learned counsel for the petitioners would submit that the seventh accused Balakrishnan was already granted anticipatory bail by this Court and that the second accused was already arrested and released on bail.

5.Considering the above facts and circumstances and also the nature of charges levelled against the petitioners and also the fact that investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the Inspector of Police, Villupuram Town Police Station daily at 10.30 a.m., for a period of thirty (30) days and thereafter, before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners 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]**.

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

sd/-

31/03/2022

/ 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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANATHAPURAM DISTRICT
 - 4 THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.UTHAYAKUMAR A Advocate SR.No.2812

ORDER
IN
CRL OP(MD) No.4744 of 2022
Date :31/03/2022

SS/VR/SAR:IV/06.04.2022 : 3P/7C