



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2022

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PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD). No.7515 of 2022

J.Sahayam James

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.
In Crime No.225 of 2021

... Respondent/Complainant

Vincentraja

... Petitioner / Intervenor /
Defacto Complainant
IN CRL MP(MD)No.5344 of 2022

For Petitioner : Mr.T.Sakthi Kumaran,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

For Intervenor : Mr.D.Senthil, Advocate.

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

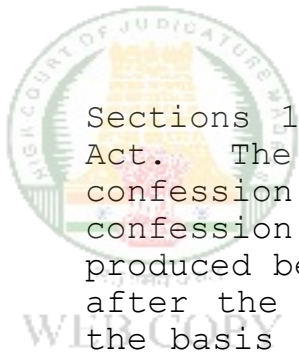
PRAYER :-For Anticipatory Bail in Crime No.225 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 447 and 435 of IPC @ 120(b), 109, 452, 435 of IPC and Section 4 of TNPPDL Act in Crime No.225 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the intervenor.

3.The petitioner herein is the first accused for the offences under Sections 447 and 435 of IPC, which was later altered into



Sections 120(b), 109, 452 and 435 of IPC and Section 4 of TNPPDL Act. The offences have been altered on 31.03.2022 based on the confession statement of the co-accused, dated 01.04.2022. Both the confession statement as well as the alteration report have been produced before this Court. Apparently, the confession statement was after the offences were altered and hence, could not have been on the basis of the statement of the co-accused. This raises doubt in the minds of the Court and accordingly, this Court is inclined to grant anticipatory bail to the petitioner herein.

4. In the light of the above observations, 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 Court, Paramakudi, Ramanathapuram 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(i) 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;

(ii) 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;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]***.

sd/-

05/05/2022

/ 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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-4370[I] dated
06/05/2022)

ORDER

IN

CRL OP(MD) No.7515 of 2022

Date :05/05/2022

SJI/LM

MK/VR/SAR.IV/09.05.2022/3P/6C