



WEB COPY



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

Date : 14/10/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

**CRL OP(MD) . No.18286 of 2022**

Kootur Samy

... Petitioner/Accused No.4

Vs

State rep.by  
The Inspector of Police,  
Puliyarai Police Station,  
Tenkasi District.  
(Crime No.151/2022).

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S, Advocate.

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

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

PRAYER :-

For Anticipatory bail in crime no.151/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 342, 294(b), 307 and 506(ii) of IPC, in Cr.No.151 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner along with other accused came to the house of the defacto complainant and threatened him with dire consequences and strangled his neck with towel. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused/A5 was released on bail by the learned Sessions Judge, Tirunelveli, in CrI.MP.No.9290 of 2022 on 23.09.2022 and no one has sustained injury in the above said occurrence. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (CrI.Side) would submit that totally 6 accused are involved in this case. The petitioner was arrayed as A4. A1, A2 & A6 are still in custody. The petitioner is involved in one murder case. In that case, the defacto complainant is the main witness. Hence, the petitioner threatened the defacto complainant and other witnesses not to depose against him. The injured was discharged from the hospital. But, however, the investigation is yet to be completed, he strongly opposed to grant anticipatory bail to the petitioner.

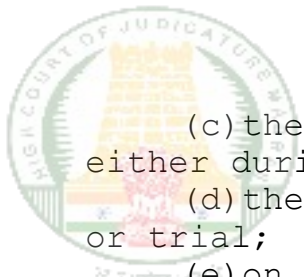
5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and co-accused was released on bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Dispensary, Madurai Bench of Madras High Court, Operated by the Registrar (ADMN), Madurai [Indian Bank A/c No.6960810645, IFSC No.IDIB000H040, CIF No.00397052467]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Shenkottah, Tenkasi District.

7.On production of such receipt, 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, Shenkottah, 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 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 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 am 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

14/10/2022

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/10/2022

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

DSS

TO

1. THE JUDICIAL MAGISTRATE,  
SHENKOTTAH, TENKASI DISTRICT.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
PULIYARAI TALUK, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- COPY TO:
1. THE OFFICER INCHARGE, DISPENSARY,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
  2. THE SECTION OFFICER, ACCOUNTS SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
  3. THE REGISTRAR (ADMN),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SELVAKUMAR S Advocate SR.No.11425

ORDER

IN

CRL OP(MD) No.18286 of 2022

Date :14/10/2022