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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.20679 of 2022

Ajay

... Petitioner/Accused
Rank Not Known)

Vs.

State rep.by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.590/2021).

... Respondent/Complainant

For Petitioner : Mr.G.Vishnuram, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.590 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 147, 148, 294(b), 324, 307, 120(b) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 @ Sections 341, 147, 148, 294(b), 324, 307, 120(b) of IPC r/w 3 of TNPPDL Act and 302 IPC, in Crime No.590 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.12.2021, when the de-facto complainant and five others were returning from Ramanathapuram Sessions Court after reporting their appearance, the petitioner and other accused had taken revenge of murder of



Manikandan in the year 2019, attacked the de-facto complainant and other victims, namely, Alagumurugan and Palani. 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 respondent Police after completing the investigation, has filed the charge sheet before the jurisdictional Court and the case is yet to be taken on file.

4.The learned Government Advocate (Criminal side) appearing for the respondent police would submit that they have already filed the charge sheet, deleting the four accused and hence, the jurisdictional Court has already issued notice to the defacto complainant and the case stand posted to 14.12.2022. He would further submit that the petitioner is not having any previous case for similar offence or serious offence.

5.The learned counsel for the petitioner would further submit that the accused Muthukumar is similarly placed person, has already been granted anticipatory bail by the learned Principal District and Sessions Judge, vide order, dated 19.11.2022 in CrI.M.P.No.2022 of 2022.

6.As rightly contended by the learned counsel for the petitioner, the only allegation against the petitioner is that he was noting the movement of the deceased.

7.Considering the facts and circumstances of the case and also the fact that the similarly placed accused has already granted anticipatory bail by the Sessions Court and also the fact that the petitioner is not having any previous case for similar offence or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the jurisdictional Magistrate Court on all working days at 10.00 am until further orders;

<https://www.mhc.tn.gov.in/judis>

(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]**.

(vi) If the accused/ petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

Sd/-
28/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.VISHNURAM G Advocate SR.No.13910

ORDER
IN
CRL OP(MD) No.20679 of 2022
Date :28/11/2022