



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.21897 of 2022

WEB COPY

Jagan @ Elamaren

...Petitioner/Accused No.3

-vs-

The State represented by
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(in Cr.No.374 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.374 of 2022.

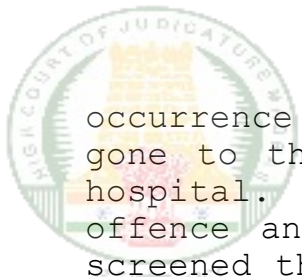
For Petitioner	: Mr.N.Mohideen Basha
For Respondent	: Mr.P.Kottai Chamy
	Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 307 of IPC and Section 25(1A) of Arms Act @ 307 and 201 of IPC and Section 25(1A) of Arms Act in Crime No.374 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that both the victim and the accused have trespassed into the forest area with airgun 22 Force rifle, during such time, the victim had challenged the first accused and that the first accused had shot him in right chest with rifle and caused injuries. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the victim and the first accused are his close friends and earlier, they have gone for hunting and subsequently, in the absence of the petitioner, the other accused have gone for hunting. During such time, the first accused had accidentally shot the victim resulting in the victim sustaining injury. He would submit that there is no motive on the part of the first accused to cause injury to the victim. He would further submit that the petitioner was not present in the scene of



occurrence and on coming to know of the incident, the petit. had gone to the reserved forest area and had taken the victim to the hospital. Other than that, the petitioner has not committed any offence and the allegation against the petitioner is that he has screened the evidence. He would also submit that the main accused, who was arrested, has been granted bail by this Court in Crl.O.P. (MD)No.21817 of 2022.

4.The learned Government Advocate (Crl.side) would submit that the main accused and the victim in this case trespassed into the reserved forest area for hunting and during such time, the victim had challenged and the main accused has shot him on the right chest with the gun. He would further submit that the petitioner coming to know of the incident had gone to the forest and had taken the injured victim to the hospital and that he has not informed to the Police or to the Forest Officials. He would also submit that the petitioner has got three previous cases registered against him.

5.At this juncture, the learned Counsel for the petitioner would submit that the three previous cases are for political reasons and he has no other cases against him.

6.Heard the learned Counsel. Taking into consideration the facts and circumstances of the case and that the allegation against the petitioner is that he has only taken the victim to the hospital and not informed to the Police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 on which the order copy made ready, before the learned Judicial Magistrate Palani, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., and 05.30 pm 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 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 229A IPC.

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
PALANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. MOHIDEEN BASHA.N Advocate SR.No.14740

ORDER

IN

CRL OP(MD) No.21897 of 2022

Date :12/12/2022

SS/SSS/SAR III/16/12/2022/ 3P 6C