



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

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

CRL.O.P(MD)No.638 of 2023

1.Nagaraj
2.Ranjith

... Petitioners/Accused No.2 & 3

-vs-

State represented by
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
(Cr.No.314 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.314 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.S.Muthumalai Raja, Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 174 of CR.P.C., @ Sections 147, 323, 355, 506(i) and 305 of IPC in Crime No.314 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 19.11.2022 at about 09.30 pm, due to a dispute with regard to the rash and negligent driving of the deceased, the petitioners and other accused have abused the victim and his friend and also attacked them and seized the bike of the deceased and demanded a sum of Rs.3,00,000/- from them. On the very next day, the de-facto complainant's son committed suicide by hanging. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that there is no motive or instigation on the part of the petitioners and the petitioners have been implicated based on the confession of the arrested accused. He would further submit that this is the second petition for anticipatory bail and the earlier petition for anticipatory bail in Crl.O.P.(MD)No.21072 of 2022 was dismissed on 29.11.2022 on the ground that the arrested accused are still in custody. He would submit that now the arrested accused have been enlarged on bail and thereby, he would seek for anticipatory bail.



4.The learned Government Advocate (crl.side) would submit that there are totally five accused in this case and the petitioners are arrayed as A2 and A3. He would further submit that the petitioners have accompanied the other accused and they have also threatened the de-facto complainant's son resulting in him committing suicide. He would also submit that A2 is the person who has urinated on the victim in the presence of the villagers and thereby, being humiliated, the victim rushed into his house and committed suicide by hanging and A3, Nagaraj was present along with other accused in the scene of occurrence. He would object for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6.Accordingly, the second 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 II, Kodaikanal, Dindigul District, on condition that the second petitioner shall execute 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 second 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 second petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.

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



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9. Taking into consideration the gravity of offence committed by the first petitioner, this petition stands dismissed as against the first petitioner.

sd/-

24/01/2023

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/02/2023

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

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To

- 1 THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.638 of 2023

Date : 24/01/2023

RS/SSS/SAR.4 (04.02.2023) 3P-5C