



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.2057 of 2023

WEB COPY

Durai @ Thenkarai Muthu

... Petitioner/Accused No.3

-vs-

The State represented by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(in Cr.No.547 of 2015)

... Respondent/Complainant

PRAYER: Pleased to enlarge the petitioner on the bail in the event of his arrest by respondent police or his appearance before the concerned Court in connection with the case in C.C.No.348 of 2016 on the file of the Learned District and Sessions Court for Communal Clash Cases, Madurai.

For Petitioner
For Respondent

: Mr.M.JEGADEESH PANDIAN, Advocate
: Mr.A.ALBERT JAMES
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 Sections 8(C) r/w 20(b)(ii)(B) of NDPS Act in Crime No.547 of 2015 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 25.07.2015, the accused persons were found to be in illegal possession of 3.875 kgs of Kanja and on seeing the police, the petitioner herein has absconded from the scene of occurrence and the accused Nos.1 and 2 were arrested and remanded to judicial custody. 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 it is admitted that the petitioner has got some other cases registered against him under the provisions of IPC and that he is not involved in this case, whereas, based on the confession of the arrested accused, the petitioner was roped-in in this case and the respondent has also completed the investigation and filed a final report in C.C.No.348 of 2016, wherein, the petitioner is stated to be arrayed as an absconding



accused. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has run away from the scene occurrence and based on the confession recorded from the arrested accused, the name of the petitioner has been implicated in this case. He would also submit that final report has been filed and the case was taken up in C.C.No.348 of 2016 on the file of the learned District and Sessions Judge for Communal Clash, Madurai, and the trial Court has issued summons to the petitioner. He would oppose for grant of anticipatory bail to the petitioner.

5.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 petitioner with certain conditions.

6.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 District and Sessions Court for Communal Clash cases, Madurai, 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 the learned District and Sessions Judge for Communal Clash Court, Madurai, for a period of two weeks on all working days and thereafter, on the dates fixed by the learned Trial Judge.

[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



CRL.O.P(MD)



23

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

sd/-

02/02/2023

/ TRUE COPY /

/02/2023

WEB COPY

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

CMR

TO

1 THE DISTRICT AND SESSIONS JUDGE
FOR COMMUNAL CLASH CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.

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

+1. CC to M/S.JEGADEESH PANDIAN M Advocate SR.No.1839

ORDER

IN

CRL OP(MD) No.2057 of 2023

Date :02/02/2023

SA/SAR.4/13.02.2023/3P/5C