



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9542 of 2023

Raja ... Petitioner/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,

Virudhunagar East Police Station,

Virudhunagar District.

Crime No.91 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

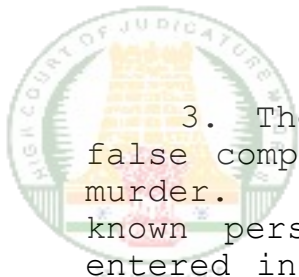
PRAYER :-

For Anticipatory Bail in Crime No.91 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A16, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 307, 353, 450, 506(2) of I.P.C, in Crime No.91 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he has been already arrested in a murder case for committing murder of one Chinnathambi. After arrest, the petitioner and his associates were kept in the prison. Due to injuries sustained, the defacto complainant and his associates were admitted in the hospital for treatment. At that time on 18.04.2023 at about 05.45p.m., the friends of deceased Chinnathambi entered the general ward of the hospital and assaulted and caused injuries and absconded. Hence, the complaint.



3. The learned counsel for the petitioner submitted a false complaint has been foisted against him, based on retaliation murder. Even according to the victim, he was attacked by seven known persons and mentioned their names. The petitioner never entered into the hospital. There is no specific overt act against the petitioner even according to the prosecution. Since the petitioner is the sister's husband of said Chinnathambi, therefore, he has been falsely implicated in the case. Now, the victim was remanded in the earlier murder case. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that in this case there are totally 16 accused and the petitioner is arrayed as A16. According of the case of prosecution, the petitioner is the relative of said Chinnathambi, who was murdered by the victim and others. In the said case the victim also got injured and under police guard they were admitted in the Government Hospital, Virudhunagar. At that juncture, the accused persons trespassed into the hospital with the deadly weapons and committed the offence. Now, the victim has been discharged from the hospital. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and the fact that the victim was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Virudhunagar**, 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 10.00a.m., and 06.00 p.m., for a period of four weeks, thereafter, as and when required for interrogation;



[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/06/2023

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/06/2023

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

PNM

TO

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-8086[I] dated 06/06/2023)

ORDER

IN

CRL OP(MD) No.9542 of 2023

Date :05/06/2023

PKP/BUC/SAR- /09.06.2023/ 3P/6C