



CRL OP(MD)No.20926 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 24.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.20926 of 2023

Sekar @ Chandasekar

... Petitioner/ Accused-1

Vs

1.The Inspector of Police,  
Virudhunagar West Police Station,  
Virudhunagar.  
Crime No.155 of 2023

... Respondent/ Complainant

2.M.Ruby Mahalingam

...Petitioner/ Intervener  
in CRL MP(MD)No.16662 of 2023

For Petitioner : Mr.R.Vivekananthan, Advocate

For Respondent : Mr.RMS.Sethuraman  
Additional Public Prosecutor

For Intervenor : Mr.G.Thalaimutharasu  
for M/s.C.R.Ponnuthai

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



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## PRAYER:-

For Anticipatory Bail in Crime No.155 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 294(b), 307, 324, 427, 506(2) and 302 of IPC in Crime No.155 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity with respect to murder of one Vineeth, the accused persons have trespassed into the office of the de-facto complainant and attacked the deceased, Kumaravel and the de-facto complainant's son, Ramkumar with deadly weapons and damaged all the articles in the office and escaped from the scene of occurrence, due to which, Kumaravel died and Ramkumar was admitted in a private hospital as in-patient for treatment. Hence the case.

3.The learned Counsel appearing for the petitioner would submit that the



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petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner was initially arrayed as A1 and after completion of investigation, final report has been filed and he is arrayed as A12 in this case. As per the allegation in the FIR, there is a motive between the deceased family and the the petitioner's family with regard to earlier murder of one Vineeth. He would further submit that the occurrence took place on 25.07.2023 and the petitioner, after getting visa, left India on the next day, ie., on 26.07.2023. He would further submit that though in the FIR, there is no specific overt act attributed against the petitioner, except the previous motive, this petitioner was implicated as instigator instigated the other accused for committing the offence. In the absence of any overt act and the investigation has been completed and the custodial interrogation is not warranted, he hence seeks anticipatory to the petitioner.

4.The learned Counsel for the de-facto complainant opposed to grant anticipatory bail to the petitioner and further contended that the another injured person Ramkumar is under treatment now and the petitioner is the person, who instigated the others to commit the offence and he is the master mind for commission of offence and therefore, objected to grant anticipatory bail.



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5.The learned Additional Public Prosecutor appearing for the respondent submitted that in this case, the investigation has already been completed and final report has been filed. He further submitted that as per the allegations in the FIR, this petitioner, who is one of the instigators for the commission of the offence under 120B of IPC, is implicated in the case, hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the submissions made on either side and also on perusal of the records and the First Information Report, it is noticed that the occurrence took place on 25.07.2023 and in the occurrence, three persons, Kumaravel, Ramkumar and Rubi Manohar sustained injuries and Kumaravel died on the way to hospital. The remaining two persons sustained injuries. Further, on perusal of the First Information Report, it is seen that there is a strong motive between the petitioner's family and the deceased family with regard to death of one Vineeth and in regard to the same, a case has been registered in Crime No.162 of 2023. Further, it is noticed in the First Information Report that though the petitioner name is mentioned as accused to show that he is having motive and also mentioned the petitioner's name as instigator, nowhere it is stated that the petitioner participated in the alleged crime.

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The petitioner has instigated other accused to commit the offence and he has been implicated under Section 120B IPC, investigation has been completed and final report has been filed and the case has to be taken on the file of the learned Judicial Magistrate No.I, Virudhunagar.

7.Considering the nature of the allegation against the petitioner and in the absence of any specific overt act against the petitioner this Court is inclined to grant anticipatory bail to the petitioner.

8.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 No.I, 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:



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[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 Inspector of Police, Esplanade Police Station, Chennai on every Monday at 10.30a.m., 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 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].



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

sd/-  
24/11/2023

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/12/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

cmr

TO

1.THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,  
VIRUDHUNAGAR WEST POLICE STATION, VIRUDHUNAGAR.

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

COPY TO  
THE INSPECTOR OF POLICE, ESPLANADE POLICE STATION, CHENNAI

+1 CC to M/s.R.VIVEKANANTHAN, Advocate ( SR-16868[I] dated 24/11/2023 )

ORDER  
IN  
CRL OP(MD) No.20926 of 2023  
Date :24/11/2023

RK/DD (05/12/2023) 7P /7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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