



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Second day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.2723 of 2015

WEB COPY
ATHIRAJ

... PETITIONER / ACCUSED No.9

Vs

THE INSPECTOR OF POLICE
THIRUVENKADAM POLICE STATION, TIRUNELVELI DISTRICT.
(P.R.C.NO.33/2011 ON THE FILE OF
JUDICIAL MAGISTRATE, SANKARANKOVIL)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V. PERUMAL Advocate

For Respondent : Mr.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

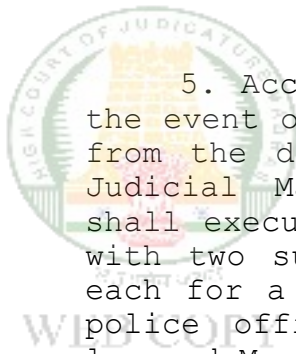
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 109, 342, 302 IPC r/w 149 and 34 IPC, in PRCNo.33 of 2011, on the file of the learned Judicial Magistrate, Sankarankovil, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent.

3. The case of the prosecution is that one Ravi @ Ravichandran was attacked by some accused with sticks and iron rod, on 04.06.2010 and was done to death. In this regard, on the complaint of one Pothiraj, the father of the deceased, a case in Crime No.66 of 2010, for the alleged offences under Sections 147, 148, 294(b), 109, 342, and 302 IPC, against fifteen accused was registered. The police took up the investigation and after completion of the investigation, they filed a final report against five persons, namely, Muthalraj, Alagarsamy @ Petharaj, Kannan, Thirunarayanamoorthy and Rajendran. Thereafter, the case was taken on file in PRC.No.33 of 2011 by the learned Judicial Magistrate, Sankarankovil and was subsequently, committed to the Court of Sessions, Tirunelveli, and was numbered as S.C.No.360 of 2011. Aggrieved by the final report filed by the respondent police against five accused alone, the *de facto* complainant filed a private complaint, arraying all 15 persons, including this petitioner and five accused against whom police had filed a final report. The said complaint was taken on file in PRC.No.33 of 2011 by the learned Judicial Magistrate, Sankarankovil, who initially issued summons to this petitioner and on non-appearance, Non-Bailable Warrant was issued against him on 30.05.2012.

4. The learned counsel appearing for the petitioner submits that the petitioner was working in Muscat and therefore, he was not aware of the proceedings against him and now he is ready to take part in the proceedings. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner.



5. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of which one should compulsorily be either parent, 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 and on further condition that:

(a) The petitioner shall surrender his passport before the learned Judicial Magistrate, Sankarankovil,

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

If the petitioner wants his passport, he is entitled to make appropriate application before the learned Judicial Magistrate, Sankarankovil and on such application, the learned Judicial Magistrate shall pass appropriate orders, taking into consideration of the facts and circumstances of the case.

sd/-

02/03/2015

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

TO

- 1 The JUDICIAL MAGISTRATE
SANKARANKOVIL
- 2 THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVENKADAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.PERUMAL, Advocate SR.No.9781

Sm:05.03.2015:2P/5C:

ORDER

IN

CRL OP (MD) No.2723 of 2015

Date :02/03/2015