



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

Thursday, the Fifth day of March Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3708 of 2015

E.ERIK JUDU

... PETITIONER/ ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE

VALLIYOOR POLICE STATION,

TIRUNELVELI DISTRICT. CR. NO. 45/2015. ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

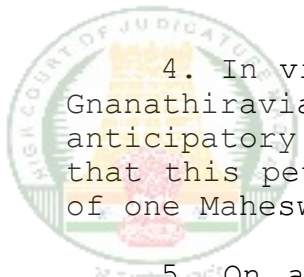
Apprehending arrest at the hands of the respondent police in Crime No.45 of 2015, on the file of the respondent police for offences under Sections 147, 148, 341, 365 and 302 of the Indian Penal Code, the petitioner is now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the State.

3. Earlier, this Court in Crl.O.P(MD)No.2356 of 2015, had by a well considered order, dismissed the anticipatory bail application of one Gnanathiraviam and Xavier Selvaraja on 27.02.2015. In the said order, this Court had extracted the facts of the case as follows:

"3.The case of the prosecution is that the deceased in this case is one Ramachandran, who was found in a public place with serious injuries and was brought to the Government Hospital, Palayamkottai on 06.02.2015 in the afternoon. Thereafter, based on the complaint given by his brother by name Gunasekaran, the respondent police registered a case in Crime No.45 of 2015 for offences under Sections 147, 148, 341, 365 and 302 I.P.C against three known persons and 10 unknown persons. The first petitioner is the father of the second petitioner. The name of the petitioners figure in the FIR.

4.Learned Senior Counsel for the petitioners submitted that the deceased has to his credit several criminal cases and he was also detained under Act 14 of 1982 earlier as a Goonda. Learned Senior Counsel further brought to my notice a paper clipping from 07.02.2015 issue of Dinakaran, wherein it is stated that one Ramachandran was found with serious injuries in an open field and on the way to the hospital, he died in the ambulance itself. If that is so, the defacto complainant, who has stated in the complaint that his brother Ramachandran gave him a dying declaration implicating these petitioners and others, cannot be true. "



4. In view of the nature of allegation and material available against Gnanathiraviam and Xavier Selvaraja, this Court had dismissed their anticipatory bail application. As regards this petitioner, it is seen that this petitioner is being implicated based on the confession statement of one Maheswaran, who was arrested by the police on 14.02.2015.

5. On a close reading of the confession statement of Maheswaran, it appears that after committing murder of Ramachandran, the said Maheswaran meets the second son of Gnanathiraviam by name Dinakaran.

6. This Court had found that Gnanathiraviam's family members were waiting to get rid of Ramachandran as he was disturbing their Wind Mill business. As far as this petitioner is concerned, he was found merely in the company of Dinakaran. Thereafter, Maheswaran has gone along with Dinakaran to Kerala accompanied by this petitioner. There is no previous case against this petitioner. Further, it is not the case of the prosecution that this petitioner was one of the assailants.

7. In such circumstances, this Court is of the opinion that it is a fit case to grant anticipatory bail to the petitioner. 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, Valliyoor, on executing 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 and on further condition that,

(a) the petitioner shall report before the respondent police daily at 6.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

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

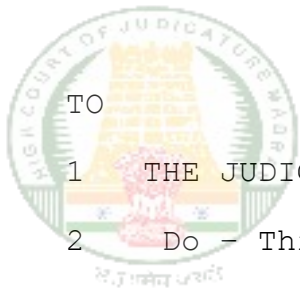
[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioner is complying with the order or not.

sd/-
05/03/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR.

2 Do - Through THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI.

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

4 THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No. 10482.

TS/05.03.2015/2P-6C

ORDER IN
CRL OP(MD) No.3708 of 2015
Date :05/03/2015