



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4539 of 2015

P.RAJAN @ ALOCIUS

..PETITIONER/2nd ACCUSED

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.1017/2011)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

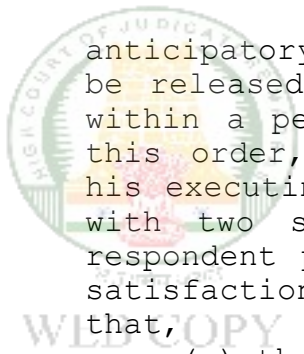
Apprehending arrest at the hands of the respondent police in Crime No.1017 of 2011 on the file of the respondent police for offences under Sections 341, 302, 324, 506(ii) and 307 of I.P.C., the petitioner is now before this Court seeking Anticipatory Bail.

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

3. The case of the prosecution is that the de-facto complainant and her husband are running a shop and that they closed their shop around 10.00 in the night on 20.09.2011 and they were going by a two wheeler to their house. When they were crossing the railway bridge, two persons intercepted them and indiscriminately attacked the de-facto complainant's husband. They also attacked the de-facto complainant and threatened her not to make any alarm. After they left, the de-facto complainant took her husband to the hospital where he was declared dead. In the complaint given by the de-facto complainant, she has clearly stated that she can identify the assailants. There was a lull in the investigation from 2011 to 2014 and suddenly on 20.11.2014, one Balapathram was arrested by the police and in the confession statement, he has stated that a quarrel ensued between him and the de-facto complainant in the village in which the de-facto complainant allegedly insulted Balapathram and his friend Rajan, who is the petitioner herein. In order to avenge that, they decided to commit the murder of the de-facto complainant's husband and therefore, they intercepted them on the fateful day and attacked them.

4. The learned counsel for the petitioner submits that both Balapathram and this petitioner were admittedly known to the de-facto complainant and she has also stated that she can identify the assailants. Therefore, this petitioner is not a stranger to the de-facto complainant.

5. Under such circumstances, suddenly, in the year 2014, this petitioner is being implicated, based on the confession statement of the co-accused. There appears to be some force in the submission of the learned counsel for the petitioner. Hence, I am inclined to grant



anticipatory to the petitioner. Accordingly, the petitioner is ordered to be released on bail, in the event of his 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, Padmanabhapuram on his 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 10.30 a.m. and 6.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall give his thumb impression, specimen signature and handwriting.

[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]**.

[f] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

19/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM, KANYAKUMARI DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

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

4 THE INSPECTOR OF POLICE, MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.13354

ORDER IN

CRL OP(MD) No.4539 of 2015

Date :19/03/2015

PBK 23/03/2015 ::2P-6C: