



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10435 of 2016

GURUSAMY

... PETITIONER/ ACCUSED No.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

SATHUR TALUK POLICE STATION,

VIRUDHUNAGAR DISTRICT.

(CRIME NO. 13/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SUBASH BABU Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 302 I.P.C., in Crime No.13 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the brother of the deceased. The deceased used to quarrel with his mother and father in a drunken mood. On 16.01.2016, the deceased came in a drunken mood and quarrelled with his parents. Due to that, the petitioner and his father attacked the deceased with iron rod and caused injury to the deceased. Subsequently, he died. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is a practicing Advocate and he was not present at the time of occurrence. The respondent police took the thumb impression of the defacto complainant in a blank paper and falsely implicated the petitioner and his father. A2, who is the father of A1, was arrested and released on bail by the Sessions Court in Cr.M.P.No.1190 of 2016, dated 11.03.2016. Investigation has been completed and the charge-sheet has been filed on 24.05.2016 in P.R.C.No.85 of 2016, before the learned Judicial Magistrate No.II, Sathur. The petitioner is an innocent and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the



petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with his father assaulted the deceased with iron rod and due to that, the deceased died. Investigation has been completed and the charge sheet has been filed in P.R.C.No.85 of 2016 before the learned Judicial Magistrate No.II, Sathur.

5.Considering the facts and circumstances of the case and also considering the fact that the manner in which the occurrence took place, nature of allegations made against the petitioner and the occurrence took place on 16.01.2016, and charge sheet is filed on 24.05.2016 this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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 No.II, Sathur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6.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/-
28/06/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE-II,
SATTUR

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
SATHUR TALUK POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S M.SUBASH BABU Advocate SR.No.33930

ORDER

IN

CRL OP(MD) No.10435 of 2016

Date :28/06/2016

Am

SH/SKS-RR/SAR-I:30.06.2016:3P/6C