



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11680 of 2016

VADIVEL

... PETITIONER / ACCUSED No.13

Vs

THE INSPECTOR OF POLICE
ABHIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR NO. 65/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.MALATHI Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

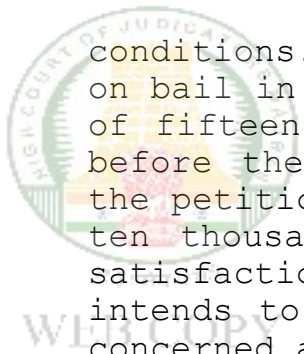
The petitioner, who is arrayed as Accused No.13, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341 and 302 IPC @ 147, 148, 341, 324, 109, 506(ii), 120(b) and 302 IPC, in Crime No.65 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 23.03.2016 due to previous enmity, the petitioner and other accused formed an unlawful assembly, waylaid the de facto complainant, attacked him with deadly weapons and caused death. He died on the spot. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. In the FIR originally A1's name was alone mentioned and only on the basis of his confession, the petitioner has been falsely implicated. Due to failure in functioning of kidney, the petitioner is taking treatment at ICU Ward in Government Rajaji Hospital, Madurai. A.2, A.3, A.4, A.6 and A.7 were already enlarged on bail vide order dated 17.06.2016 made in Crl.O.P(MD)No.9532 of 2016.

4.The learned Government Advocate (Criminal side) submitted that due to previous enmity with regard to erection of Flex Board, there was a clash between the groups of the petitioner and other accused persons and the de facto complainant and the petitioner along with the other accused attacked the de facto complainant with deadly weapons and caused death.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence took place on 23.03.2016 and the co-accused were already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain



conditions. 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, Kamudi, 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 10.00 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/-
21/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, KAMUDI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
ABHIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S K.MALATHI Advocate SR.No.35345

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ORDER
IN
CRL OP(MD) No.11680 of 2016
Date :21/07/2016