



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

Friday, the Twenty ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12577 of 2016

S. ANAND

... PETITIONER / ACCUSED No.9

Vs

State rep.by
THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT,
CR NO. 75/2015.

... RESPONDENT / COMPLAINANT

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

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

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

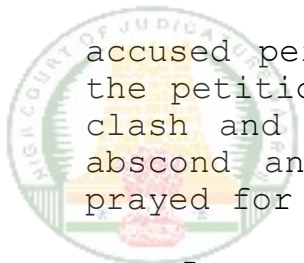
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(B), 307, 302 and 506(ii) of IPC in Crime No.75 of 2015 seeks anticipatory bail.

2. The case of the prosecution is that on 08.03.2015, due to previous enmity, the accused persons murdered the deceased one Duraipandi and caused injuries to one Ulaganathan. On complaint, a case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is studying in Law College, Thirunelveli and not having left hand and his name is not found in FIR and only based on the confession of A1 he has been arrayed as accused. He further submitted that petitioner is a friend of A1 and on the date of alleged occurrence, the petitioner was riding his two wheeler and that time A1 requested the petitioner to drop him at Kulathangarai. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further contended that now the Charge Sheet has been filed in PRC No.35 of 2016 in this Crime number and prayed for allowing this petition.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner and others conspired together and murdered the deceased and four persons are arrested and the petitioner and other



accused persons are yet to be arrested. He further submitted that the petitioner is having two previous cases and there is a communal clash and if the petitioner is granted anticipatory bail he will abscond and tamper the witness and hamper the investigation and prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that the charge sheet has been filed, this Court is inclined 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, Srivaikundam, Tuticorin District and 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 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 stay at Madurai and report before the Thallakulam Police Station daily at 10.00 am and 6.00 pm for a period of four weeks and thereafter, appear before the concerned Magistrate on all future hearing dates without fail.

[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 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].

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 condition or not.

sd/-
29/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, TUTICORIN

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN

3 THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.

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

5 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI.

+1. CC to M/S S.Selvakumar, Advocate SR.No.40475

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ORDER

IN

CRL OP(MD) No.12577 of 2016

Date :29/07/2016