



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

Tuesday, the Eighteenth day of October Two Thousand Sixteen

PRESENT

**The Hon`ble Mr Justice S.VAIDYANATHAN**

CRL OP(MD) No.19691 of 2016

SANKAR

... PETITIONER/ACCUSED NO.12

Vs

THE STATE REP BY ITS  
THE INSPECTOR OF POLICE,

NACHIYARKOVIL POLICE STATION, THANJAVUR DISTRICT  
(CRIME NO.36 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.R.BALAJI Advocate

For Respondent : M/S.K.V.RAJARAJAN, 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 the alleged offence punishable under Sections 143, 144, 120(b) IPC r/w Sections 4, 5 and 6 of Explosives Substances Act, 1908 and Section 25(1)B(b) of Indian Arms Act, 1959 in Crime No.36 of 2016 on the file of the respondent police, seeks anticipatory bail.

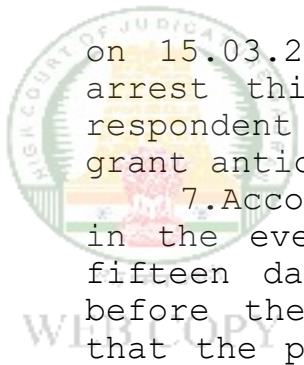
2.Heard the learned counsel on either side.

3.The case of the prosecution is that after informing the Judicial Magistrate, Kumbakonam, the respondent Police team raided the house of the petitioner and on seeing the police officials, the petitioner and other accused escaped. Thereafter, the respondent Police were able to apprehend four persons and obtained their statements. From their statement, it came to light that the petitioner and other accused conspired to commit murder of certain persons, based on the instruction given by another accused, who was lodged in Puzhal prison.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.side) submitted that no previous case is pending against the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that even the earlier anticipatory bail petition in Crl.O.P.(MD)No.2989 of 2016 was dismissed by this Court



on 15.03.2016, the respondent Police has not taken any steps to arrest this petitioner and hence, this Court presumes that the respondent Police colluded with the petitioner, I am inclined to grant anticipatory bail to the petitioner.

7. 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, Kumbakonam, 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 report before the R.S.Puram Police Station, Coimbatore daily at 9.00 am until further orders.

[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 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]**.

sd/-

18/10/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KUMBAKONAM
  2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THANJAVUR DISTRICT AT KUMBAKONAM
  3. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
  4. THE INSPECTOR OF POLICE  
R.S.PURAM POLICE STATION, COIMBATORE
  5. THE INSPECTOR OF POLICE,  
NACHIYARKOVIL POLICE STATION, THANJAVUR DISTRICT
- +1. CC to M/S.N.R.BALAJI Advocate SR.No.61882  
RL/7C/2P/SK/SKN/SAR3/21.10.2016

ORDER

IN

CRL OP(MD) No.19691 of 2016

Date : 18/10/2016