



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3176 of 2018

SYED MUHAMMED,

... PETITIONER/ACCUSED 2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.

(CRIME NO.620 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SATHIYA SEELAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342, 323, 307 and 302 I.P.C., in Crime No.620 of 2017, seeking relief to grant of anticipatory bail.

2. The case of the prosecution is that on 13.09.2017, the deceased, who is the husband of the de-facto complainant, had stolen the cell phone and a purse from the petitioner/A2 and from his son. For which, the petitioner and other accused assaulted the de-facto complainant's husband, thereby, he sustained fatal injuries, due to that, he was admitted in the hospital. Thereafter, the defacto complainant gave a complaint before the respondent police and based on her complaint, initially a case has been registered for the offence under Section 307 IPC, thereafter, due to the death of the defacto complainant's husband the offence has been altered into Sections 342, 294(b), 323, 307 and 302 I.P.C.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner only questioned the deceased, with regard to stealing of the purse thereafter on 13.09.2017, then there was a wordy quarrel



arose between them. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that initially, this case has been registered for the offence under Section 307 I.P.C., subsequently, during the time of investigation, the offence under Section 307 had been altered into 302 I.P.C. According to him, investigation have been completed.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, for the reason that the deceased taken away cell phone and money purse from A1. This petitioner and other accused assaulted the deceased, who is the husband of the de-facto complainant and commit the offence of murder, the other two accused in this case were already granted bail in the month of December 2017. As of now, as per the submission of the learned Government Advocate (Criminal Side), investigation have been completed. Hence, Considering the facts and circumstances of the case, this Court comes to the conclusion, since the investigation is completed in this case, custodial interrogation may not be necessary. Hence, 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, Trichy on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;



(v) on breach of any of the aforesaid conditions, the 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 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/-
28/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TRICHY,
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY
- 3 THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+2. CC to M/S.A.MITHUN CHAKRAVARTHI, Advocate SR.No.3417

ORDER
IN
CRL OP(MD) No.3176 of 2018
Date :28/02/2018

SMA/PM-PN/SAR-4/09.03.2018:3P/7C