



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.515 of 2018

AMIRTHASANKAR @ AMEER

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
VILLUR POLICE STATION,
MADURAI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA, Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

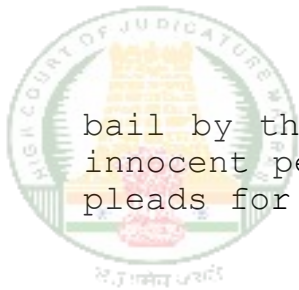
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 120(b), 364 and 302 IPC in Crime No.84 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is wife of the deceased Guhan @ Sivakumar. On 15.10.2015, the husband of the defacto complainant was murdered by the petitioner/A2 along with other accused. The F.I.R. was registered in Crime No 84 of 2017. The Investigation Officer had filed a remand report, in which, it is found that the petitioner was not involved in the murder. Based on the remand report, the learned District Munsif cum Judicial Magistrate, Peraiyur had come to a conclusion that there is no involvement of the petitioner/A2 in the scene of crime and set him at liberty and the petitioner has again implicated in the charge sheet and now that is pending for committal.

3.The learned counsel appearing for the petitioner submitted that the co-accused arrayed as A3 and A4, were granted anticipatory



bail by this Court. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the charge sheet has been filed after completing investigation and the same was taken on file as P.R.C.No.12 of 2017.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offence under Sections 147, 148, 120 (b), 364 and 302 IPC. As per the representation made by the learned Government Advocate (Criminal Side), charge sheet has been filed after completing investigation and thereafter the same was taken on file in P.R.C. No.12 of 2017 before the learned District Munsif cum Judicial Magistrate, Peraiyur. Hence, the custodial interrogation does not arise. Admittedly, the petitioner is not having any previous case.

6.Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, 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, Peraiyur, Madurai District 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 Learned Judicial Magistrate, Peraiyur, Madurai District daily at 10.30 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 not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
11/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERAIYUR, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE,
VILLUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.702

ORDER
IN
CRL OP(MD) No.515 of 2018
Date :11/01/2018

PK/RR/SAR-1/22.01.2018 : 3P/6C