



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20061 of 2018

1. KARTHIKEYAN

2. SASIKUMAR

... PETITIONER / ACCUSED NO.5 & 8

Vs

THE STATE BY REP.
THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT
IN CRIME NO.229 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSIKUMAR Advocate

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

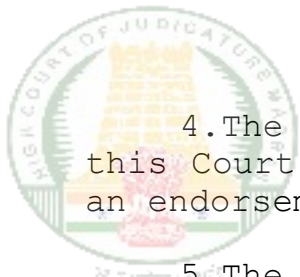
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 147, 148, 302 and 506(ii) IPC and r/w 149 IPC in Crime No.229 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner who is arrayed as A8 and is the owner of S.K.Hollow Block. Karrupasamy, Muthuraman son Karthikeyan, Ragu and J.C.B.Kannan who are all friends for the past 1 ½ months. Prior to the date of occurrence, they had gone to a condolence, during which, a fight arose between them. In continuation of the same, Karuppasamy and another assaulted the Karthikeyan with knife. Hence, he gave a complaint before the respondent police and a case has been registered for the offence under Section 307 IPC. As per the condition of bail order, the deceased Karuppasamy appeared before the respondent police daily at 10.30 a.m. Based on the said motive, the accused had conspired together, gathered at the place of A8 and had conspired to murder Karuppasamy and had committed murder. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence.



4.The learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of A5. He had made an endorsement to that effect.

5.The learned Government Advocate (Crl.side) for the respondent police submitted that the assailants in this case are A1 to A4. They have been already arrested on 26.04.2018. Further, he submitted that though this petitioner is not present at the scene of occurrence, he is one of the main conspirator to the offence.

6.In view of the above, this criminal original petition is dismissed as withdrawn in respect of A5.

7.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the 2nd petitioner/A8.

8. Accordingly, the 2ndpetitioner/A8 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, Vadipatti, Madurai District, on condition that the 2nd petitioner/A8 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 said Magistrate, on further condition that:

[a] if the 2nd petitioner/A8 fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the 2ndpetitioner/A8 shall report before the respondent police daily twice at Morning 10.30 a.m., and Evening 5.00 p.m., until further orders.

[c] the 2nd petitioner/A8 shall not tamper with evidence or witness either during investigation or trial.

[d] the 2ndpetitioner/A8 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2ndpetitioner/A8 in accordance with law as if the conditions have been imposed and the 2ndpetitioner/A8 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]**.

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT
 2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT
 3. THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.C.SUSIKUMAR Advocate SR.No.22096

ORDER
IN
CRL OP(MD) No.20061 of 2018
Date :26/11/2018

MK/JC/SAR 2/04.12.2018/3P/6C