



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19799 of 2018

RAMESHKUMAR

... PETITIONER / A5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.125 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

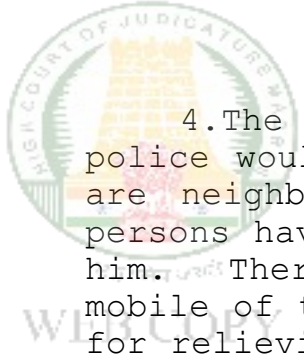
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 201 IPC, in Crime No.125 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that there was some disputes between the deceased and the first accused, due to which, the first accused and other accused attacked the deceased with deadly weapons. A1 to A3 who were arrested on 30.05.2018 and on the same day, they had given a confession. Based on the confession statement of A1 to A3, the petitioner is said to have arrested as accused.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that the deceased who was running a man power agency, had received money from various persons and had cheated them and hence, he had enmity with them. The petitioner has been falsely implicated, since the petitioner happens to be one of the persons who had last the money. The case was initially referred as Section 171 Cr.P.C and thereafter, it was altered under Sections 302 and 201 IPC @ 147, 120(b), 364, 201, 302 r/w 341 IPC.



4. The learned Government Advocate (Crl.side) for the respondent police would submit that two witnesses had given 164 statement who are neighbours. On perusal of the same, it is seen that five persons have come to the deceased house on 13.05.2018 and had taken him. Thereafter, he had received a phone call and sms from the mobile of the deceased asking for a sum of Rs.3,00,000/- to be paid for relieving him from the abductors. 13 days after, on seeing the newspaper, the witnesses came to know about the death of the deceased. Further, there is no description of the accused persons. He further submitted that no Test Identification Parade has been conducted in this case and the investigation is completed and the charge sheet is yet to be filed.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Thiruvaiyaru, Thanjavur District, 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 said Magistrate, on further condition that:

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

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner 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 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]**.

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

sd/-
03/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
THIRUVAYARU, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THAJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1. C.C. to MR.K.M.KARUNAKARAN Advocate SR.No.22612

ORDER

IN

CRL OP(MD) No.19799 of 2018

Date :03/12/2018

MSI/VR-MMS/SAR-II/11.12.2018-3P/6C