



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19938 of 2018

SENTHIL @ KARATHAE SENTHIL ... PETITIONER / ACCUSED NO.2

Vs

STATE THROUGH THE
INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT,
(CRIME NO.59/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.VENKATESWAR 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 alleged offences punishable under Section 302 of IPC., in Crime No.59 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that three persons came in a bike and attacked the deceased with aruval and thereby caused his death. The bike, which used for the occurrence, is owned by the present petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner never committed any offence, as alleged by the prosecution. Based on the confession of co-accused, the petitioner has been arrayed as an accused. He further submit that the co-accused in this case had already been released on bail.

4. The learned Additional Government Pleader appearing for the State would submit that there are totally six accused in this case and the petitioner is arrayed as A2, based on the confession of co-accused. The bike, which was used for the said occurrence, is owned by the petitioner.



5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. Considering the above facts and circumstances of the case and also considering the fact that the co-accused in this case had already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Pattukottai, 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 learned Magistrate concerned and on further condition that;

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

[b] the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders, 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.

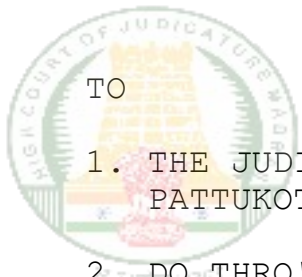
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
13/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.VENKATESWAR Advocate SR.No.23244

ORDER

IN

CRL OP(MD) No.19938 of 2018

Date :13/12/2018

AM/VR-MMS/S-4/20.12.2018/3P/6C