



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20878 of 2018

S.SARAVANAN

... PETITIONER /A-2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.1 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.SELVANAYAGAM, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A-2 apprehending arrest at the hands of the respondent police for the offence punishable under Section 302 IPC in Crime No.1 of 2018, seek anticipatory bail.

2.The petitioner is A-2 in this case. The case was registered on 12.11.2018 against unknown persons on the complaint given by the mother of the deceased. In the complaint, the defacto complainant had narrated about the family members of the petitioner and about the petitioner as a vagabond. Hence, the defacto complainant was residing with her elder brother in Tuticorin. Admittedly, the deceased has got lot of criminal cases and he had been in prison for 9 months. On 12.01.2018, when the mother had received a message that the deceased Mukesh kumar was found dead, she had come to the village and thereafter lodged a complaint. During investigation, one Azhagu Pandi/A-1 was arrested on 21.08.2018 and he has given a confession. In his confession, he stated about the activities of the deceased and the deceased attempted to enter into the house of the A-1's sister's house at night time. On getting alert, he threw knife on her. Enraged over this, A-1 and this accused planned to murder the said Mukesh Kumar. On 12.01.2018, at about 03.00 a.m, A-1 and this petitioner said to have attacked and caused cut injuries on the said Mukesh Kumar and thereby the deceased was done to death. As per the confession, when this petitioner had attempted to stab



him, the deceased Mukesh Kumar had got hold of the knife and broken it into pieces. The vital injury was that of A-1 and there is no overt act other than this and this petitioner had not caused any injury to the deceased.

3. The learned counsel for the petitioner submits that the petitioner has filed a typed set containing various educational certificates and other credentials of the petitioner including the appointment order of the petitioner. He submits that the petitioner had been selected and to be appointed as Physical Education Director in Cholapuram Polytechnic College, Tuticorin District. He further submits that now, investigation is almost over and custodial interrogation is not necessary and according to him, draft charge sheet has been made ready. If the petitioner is remanded, he would lose his job opportunities. Further, the petitioner is aged about 31 years and his future would be in black.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner has no previous case. However, he strongly oppose to grant anticipatory bail to the petitioner stating that the petitioner has to be interrogated and because of the petitioner's abscondance, charge-sheet could not be filed in this case.

4. However, considering the above stated facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Villathikulam, Tuticorin District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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/-
20/12/2018

/ TRUE COPY /

WEB COPY

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

TO

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

+1. CC to MR.D.SELVANAYAGAM Advocate SR.No.23765

ORDER
IN
CRL OP(MD) No.20878 of 2018
Date :20/12/2018

PS-VR-MMS-SAR-4/21.12.2018/3P.6C