



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

Friday, the Twelfth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15798 of 2018

V.SURYANARAYANAN

... PETITIONER / ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
KODAIKANAL. DINDIGUL DISTRICT.
(CRIME NO.273/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.P.R.KAMARAJ Advocate

For Respondent : MR.V.NEELAKANDAN,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 201 I.P.C, in Crime No.273 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that one Prabaharan is working as a part time driver to the petitioner for the past few months. The petitioner's daughter, who is handicapped patient, she cannot walk without the assistance of any other person. The petitioner's son-in-law and daughter are having properties in Kodaikanal and some or other maintenance works were constantly going there. In respect of which, the petitioner's son-in-law is ill and admitted in a home at Kodaikanal just to look after those properties and to visit his son-in-law. The petitioner and his daughter used to come to Kodaikanal from Hyderabad as and when required. The third accused, who is a contractor used to help the petitioner to carry on the building and agricultural works in the petitioner's properties in Kodaikanal. There was a huge rock in the mid of the Estate path of the petitioner's property and to remove the same, the petitioner engaged the services of the third accused and agreed to pay a sum of Rs.1,50,000/- and paid a sum of Rs.50,000/-as advance by way of Bank RTGS to the accused.



3. The learned counsel for the petitioner would submit that the petitioner is residing at secunderabad, his daughter is a 90% handicapped and she cannot walk with out the help of the other. She married one Ramesh, who is mentally disorder person. They are having some property at Kodaikanal and as such the petitioner has to go and maintain the property. In fact, he took the taxi of A3 and the deceased. Therefore, there is nothing to do with the crime and dispute in transferring the amount in doing civil work on the land. Therefore, except the confession of A4 no other material is connected with the petition. Hence sought for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor for the respondent.

5. It is seen from the confession of the deceased that he is having love affair with the daughter of the A3's brother, therefore there was previous motive between the deceased and the A2. Therefore, utilizing these circumstances, the accused persons murdered the deceased. Admittedly, the daughter of the petitioner is a handicapped and she cannot walk without the help of the other. Further her husband is also mentally disorder person. Therefore, only to expect money from the petitioner's family he is ropped in the crime.

6. Considering the facts and circumstances of the case, 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 before the the learned Judicial Magistrate Court, Kodaikanal, Dindigul and on his executing 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 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. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
12/10/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
KODAIKANAL, DINDIGUL.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
KODAIKANAL, DINDIGUL DISTRICT.

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

+1. CC to MR.C.P.R.KAMARAJ Advocate SR.No.19411

ORDER

IN

CRL OP (MD) No.15798 of 2018

Date :12/10/2018

das

AE/RR/SAR1/15.10.2018/3P/6C