



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.18277 of 2018

KUMAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
SUB INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT
CRIME NO.59/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUTHUKUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor.

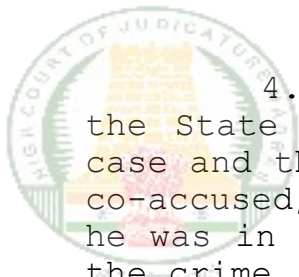
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 accused came in a bike and attacked the deceased with aruval and thereby caused his death. The specific overt act against the petitioner is that he was acting as the kingpin in the crime.

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. At the time of occurrence, he was in Singapore. 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 A1. Based on the confession of co-accused, the petitioner has been arrayed as an accused. Though he was in Singapore at the time of occurrence, he is the kingpin in the crime.

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5. I have heard the learned counsel 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 petitioner was in Singapore at the time of occurrence and based on the confession of co-accused, he has been implicated as an accused in this case, 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]**.



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[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 DISTRICT AT KUMBAKONAM.
3. THE SUB INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18277 of 2018
Date :13/12/2018

AM/VR-MMS/S-4/20.12.2018/3P/5C