



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3104 of 2019

RAJASEKARAN

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.246 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.MA.KARUNANITHI 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, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 147, 148, 341, 324, 307, 302 IPC r/w Section 3 of Explosive Substances Act 1908, in Cr.No.246 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 24.10.2018, due to previous enmity with regard to the murder of the petitioner's son, in order to revenge, the petitioner engaged other accused persons for committing murder of deceased, thereby, the other accused persons joined together and committed murder. Therefore, the Law Enforcing Agency registered the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Initially, the name of the petitioner was not found in the FIR. Only on the confession of the co-accused this petitioner was implicated in this petition. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that all the accused persons are enlarged on bail and anticipatory by this Court as well as the trial Court and charge



sheet has been filed before the concerned Court on 25.01.2019 and the same is pending in PRC state. Hence, custodial interrogation of the petitioner is not necessary.

5. Considering the facts and circumstances of this case and considering the co-accused were released on bail and since the charge sheet has been filed before the concerned Court and the same is pending in PRC stage, 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, Pattukkottai, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the Judicial Magistrate, Pattukkottai, daily at 10.30 a.m., till the committal proceedings is over;

(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 petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/02/2019

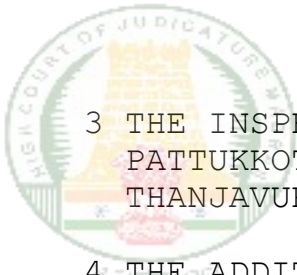
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-3989[I] dated 28/02/2019)

ORDER

IN

CRL OP (MD) No.3104 of 2019

Date :28/02/2019

JM/PN/SAR 4/18.03.2019/3P/6C