



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

Wednesday, the Twentieth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4155 of 2019

BALASUBRAMANIAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.179/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.GANAPATHI SUBRAMANIAN, 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 offence under Sections 302, 201, 147, 417 and 376 I.P.C. in Cr.No.179 of 2018 , on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that on 29.10.2018, the defacto complainant's daughter namely, Kasthori aged about 19 years was missing. Then, the respondent police gave C.S.R.No.422 of 2018 and then conducted enquiry and registered a case as women missing in Crime No.179 of 2018 on 30.10.2018. Then, on 31.10.2018 at 07.30 a.m., the defacto complainant received a phone call from one Appadurai and stated that one decomposed body was floating in the Papakanni river bridge. Immediately, the defacto complainant rushed to the spot and identified the decomposed body is his daughter's body. Then, the defacto complainant informed to the respondent police and the investigation conducted and the case was altered women missing into Sections 302, 201 IPC in Crime No.179 of 2018

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has have nothing to do with the alleged offence. He would also submit that co-accused in this case was granted anticipatory bail by this Court.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there is no previous case pending against the petitioner. He would also submit that investigation is completed

5. Considering the facts and circumstances and considering the fact that investigation is completed in this case and also considering the fact that co-accused in this case was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Alangudi, Pudukottai 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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]**; and;

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

sd/-

20/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, ALANGUDI,
PUDUKKOTTAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr.P.GANAPATHI SUBRAMANIAN Advocate SR.No.5196

ORDER

IN

CRL OP(MD) No.4155 of 2019

Date :20/03/2019

MS/PN/SAR-3/21.03.2019/3P.6C