



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5018 of 2019

KOMBALAIYA

... PETITIONER / ACCUSED (RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.330/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MARAN 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 Section 302 of IPC @ 147, 148, 120(b) and 302 of IPC in Cr.No330 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that one Thangamani gave loan to the father-in-law of the deceased. The accused No.1 is the supporter of the said Thangamani. Due to the said money dispute between the said Thangamani and the deceased, the Accused Nos.1 to 3 conspired with other accused to cause death of the deceased and on 26.11.2018 the accused Nos.1 to 3 attacked the deceased with deadly weapons. Thereby, the deceased sustained injuries and died. Hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner's name not mentioned in the FIR. As per the confession of the co-accused, the respondent police included the petitioner's name in the said case. He would further submit that the allegation against the petitioner is baseless and fabricated one. He would further submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner's name not mentioned in the FIR. As per the confession statement of the co-accused, the respondent police included the petitioner's name. He would further submit that investigation is still pending.

5.Considering the facts and circumstances and considering the fact that there is no specific overtact against the petitioner, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, 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/-

03/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-IV,
TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.M.MARAN Advocate SR.No.6110

PS/JC/SAR-4/08.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5018 of 2019

Date :03/04/2019