



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22874 of 2018

CHELLAMANI

... PETITIONER / ACCUSED NO. 10

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.KANAGAVEL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

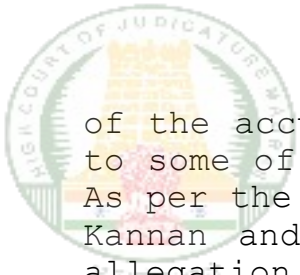
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.10, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 147, 148, 341, 302, 506(ii) and 149 I.P.C in Crime No.229 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on 26.07.2018 at about 05.00 p.m, when the defacto complainant's son Karuppasamy had gone to Koodal Pudur Police Station to sign, as per the condition of bail, he was followed by his brother-in-law in another byke along with the defacto complainant. At about 5.15 p.m, near Ganesh Hotel, one Velan, Vijay, Chellapandi, Vasanth and Karthikeyan, JCB Kannan and two other identified persons came in a two wheeler with deadly weapons, attacked the defacto complainant's son and there, the defacto complainant's son succumbed to injuries and complaint was given against 8 named and unknown accused.

3. The contention of the petitioner is that his name does not find place in the F.I.R and he was not present in the scene of occurrence and no overt act of attack was attributed against him. He further submits that this Court had granted anticipatory bail to one



of the accused and the Sessions Court had granted anticipatory bail to some of the accused of which, A-6 JCB Kannan is one such person. As per the confession of A-1, overt acts attributed against the said Kannan and that of the petitioner are one and same and the only allegation against the petitioner is that he had given his scooty to A-1 and handed over the weapons along with A-6. Hence, the petitioner has been roped in under Section 120B I.P.C and hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, except one accused, all the accused have been arrested and investigation is in progress.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vadipatti, Madurai District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 twice i.e at 10.30 a.m and 05.00 p.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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
VADIPATTI, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSEPCTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT

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

+1. CC to MR.P.KANAGAVEL Advocate SR.No.171

ORDER

IN

CRL OP(MD) No.22874 of 2018

Date :04/01/2019

MSI/JC/SAR-I/09.01.2019-3P/6C