



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9827 of 2019

Selvaraj

... Petitioner/Accused No.12

Vs

State Rep.by
The Inspector of Police,
Seithur Police Station,
Seithur, Thoothukudi District.
Crime No.81 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

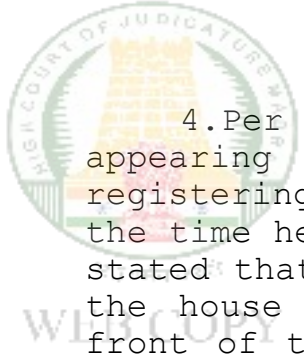
For Anticipatory Bail in Crime No.81 of 2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148 and 302 of IPC in Crime No.81 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that in the FIR, the name of the petitioner has not been mentioned. He further submitted that only based on the confession statement said to have been given by A4, the petitioner herein arrayed as accused No.12. Even in the said confession, it is not stated that the petitioner has committed any offence or participated in any crime and therefore, he prayed for grant of anticipatory bail to the petitioner.



4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that after registering the FIR, A4 was arrested and he was interacted and at the time he voluntarily gave a confession statement, in which he has stated that before committing murder, other accused persons went to the house of the petitioner herein and they stayed one night in front of the petitioner's house and based on the said confession, the petitioner herein has been arrayed as Accused No.12. He further submitted that already the petitioner is having four previous cases and hence he strongly opposed this petition.

5. Admittedly, in the FIR, the petitioner's name has not been mentioned. Only based on the confession said to have been given by A4, the petitioner herein has been arrayed as Accused No.12. In the said confession also it is stated that the other accused persons went to the house of the petitioner before committing murder and made a request with him to permit them to stay in front of his house for a night and considering their request, he permitted them to stay in front of his house. Further, A4 has stated that in his confession statement when the petitioner questioned them for what purpose they came there, the accused persons informed him only for attending marriage function and also to give donation to the temple and for that the petitioner has replied them that he will help for giving donation to the temple. Except, the said allegation no other allegation is made against the petitioner.

6. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. 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 Judicial Magistrate Court, Rajapalayam, Virudhunagar 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.



(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

12/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
SEITHUR, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.11644

ORDER

IN

CRL OP(MD) No.9827 of 2019

Date :12/07/2019

MS/VR/SAR-1/17.07.2019/3P.6C