



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/10/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.14344 of 2019

Rajasekaran, ... Petitioner/Accused No.2

Vs

The State Rep by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
(Crime No.757 of 2019). ... Respondent/Complainant

For Petitioner : M/s. M. Vivek Kumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

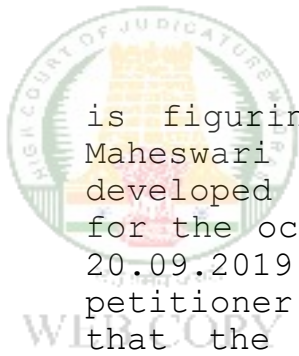
for Anticipatory bail in Crime No.757 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 120(b), 341, 294(b), 307 and 109 of I.P.C., in Crime No.757 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The victim in this case is one Maheswari. The said Maheswari was originally married to the brother of the petitioner namely Bala Murugan @ Bala Chandran. The said Maheswari had developed intimacy with one Gowtham. Therefore, Bala Murugan committed suicide. The deceased is the brother of the petitioner namely one Kumar who



is figuring as A1 in this case, was keeping Maheswari. Since Maheswari left A1's custody and went on to marry Gowtham, A1-Kumar developed motive against Maheswari. This is said to be the reason for the occurrence in question. Maheswari was brutally attacked on 20.09.2019 at about 07.00 p.m. Even though in the FIR, the petitioner has been implicated, the petitioner's counsel states that the petitioner though implicated in this crime, did not actually cause any stab injury on Maheswari. Therefore, I am inclined to grant some relief to the petitioner.

4. This case had come up for hearing on 04.10.2019 at the instance of the prosecution. The case was adjourned. In the mean while, another case was registered against the petitioner. The petitioner is present in person before this Court.

5. The petitioner through his counsel gives an undertaking before this Court that if the case registered against him in Crime No.919 of 2019 on the file of the Karimedu Police Station, is given a closure, he would not initiate any action either against the police or against the defacto complainant. In that case, one Sriram is said to be the complainant and he would let the matters rest there.

6. This undertaking given by the petitioner herein before this Court is recorded.

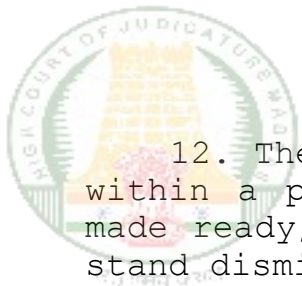
7. The respondent states that following the instant occurrence, a murder took place on the very next day i.e., on 21.09.2019.

8. The learned Government Advocate (Crl.side) points out that the petitioner is also facing a life threat. The petitioner has to necessarily remain away from Madurai.

9. Subject to this condition, anticipatory bail is granted to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate NO.II, Madurai, and on his executing 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 learned Magistrate concerned.

10. The petitioner is directed to stay at Trichy and report daily at 10.00 a.m., before the Fort Station police. The petitioner will have to stay at Trichy for a period of two months. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

11. The petitioner's counsel gives further undertaking that he would not apply for modification or relaxation of this condition for any reason.



12. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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

TO

1. The Judicial Magistrate,
No.II, Madurai.
2. The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
5. The Inspector of Police,
Fort police Station,
Trichy.

+1CC TO MR.M.VIVEK KUMAR, Advocate Sr. No. 18383

ORDER
IN
CRL OP (MD) No.14344 of 2019
Date : 23/10/2019

TR/SKN/SAR-III (01.11.2019) 3P 7C