

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 10019 of 2020

P.Nataraj

...Petitioner

-Vs-

State Rep. By

...Respondent

The Inspector of Police,
Kumaralingam Police Station,
Kumaralingam,
Tirupur District.
(Crime No.101 of 2018)

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the in respect of Crime No.101 of 2018 pending on the file of the Respondent Police.

For Petitioner : Mr. K. Anandan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C., in Crime No. 101 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Village Administrative Officer of Pungambadi Village, Aravakurichi, stated that a dead body of an unknown person aged about 50 years was found near Ayup Lorry company. Based on the complaint given by the Village Administrative Officer, the case under Section 174 of Cr.P.C., was registered by Aravakurichi Police Station in Crime No.101 of 2018. On 23.09.2019, it was altered to Section 302 of I.P.C. Later, during the course of the investigation, it was found that the body is of one Karupusamy. Meanwhile, the wife of the deceased Karupusamy, has also given a complaint before the respondent Police in respect of missing of her husband which was registered by the respondent police in Crime No.101 of 2018 under the caption "Man Missing". Later, the

case registered by Aravakurichi Police Station in Crime No.101 of 2018, was transferred to the file of the respondent police.

3. The learned counsel for the petitioner would submit that the fact of the case remains that the deceased against whom there are several theft cases. He had entered into the poultry farm of A1 to commit theft of hens. At that time, A1, the owner of the poultry farm and others have taken him into custody and assaulted him and due to which, he died and thereafter, they have disposed body within the limits of Pungambadi Village. During the Course of investigation, the case has been transferred to the file of the present respondent. He would further submit that when the case was pending before the Aravakurichi Police Station, the main accused in this case was arrested and he has approached the Madurai Bench of Madras High Court in CrI.O.P.(MD).15507 of 2019 and the Court by order dated 30.10.2019 has granted bail to main accused. He would submit that the petitioner is the person of the same village and he has been implicated as if the petitioner was also present along with the other accused during the occurrence. The petitioner was called for enquiry and he is attending regularly before the respondent police for enquiry. The petitioner is the employee of the TANGEDCO and that there is no allegation as if the petitioner assaulted the victim.

4. The learned Additional Public Prosecutor would submit that the victim/deceased trespassed into the poultry farm of the accused to commit the theft of the hens and was caught redhanded. The owner of the poultry farm along with others have assaulted him due to which, he died. Thereafter, they have disposed the body within Pungambadi village. However, based on the complaint given by the wife of the deceased, the case has been transferred to respondent police. He would submit that investigation is pending.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Madathukkulam, on condition that petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every

Monday 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].

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

20/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADATHUKKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUMARALINGAM POLICE STATION,
KUMARALINGAM, TIRUPUR DISTRICT.

CC to M/S. K.ANANDAN Advocate on payment of necessary charges

CRL OP.10019/2020

Date :20/07/2020

TA-14/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>