



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.1010 of 2020

M.KARUPPASAMY @ RASU

... PETITIONER/ACCUSED 1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
EAST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT
(CRIME NO.21 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.G.Thalaimutharasu,
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.21 of 2020 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 341, 294(b), 302 and 506(2) of I.P.C., in Crime No.21 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner's name finds place in the FIR as the first accused. According to the FIR, the petitioner had taken physical part in the crime.



4.The petitioner's counsel strongly asserted that Karuppasamy who had actually taken part in the crime, is not the petitioner but some other petitioner.

5.In order to enable the learned Government Advocate (Crl.side), to get instructions in this regard as to the discrepancy in the matter of description, the case was adjourned.

6.Today, when the matter was taken up for hearing, the learned Government Advocate (crl.side) fairly stated that Karuppasamy mentioned in the FIR is actually Karuppasamy S/o.Murugan and not the petitioner herein. But then, he would state that further statements have been obtained from the defacto complainant which point to the culpability of the petitioner in the matter of conspiracy.

7.I went through the contents of the remand report, it can be seen there from that motive for the occurrence is the strained relationship between one Thanga Pandi and the deceased. Now, the prosecution is coming out with some other version.

8.I am of the view that in order to some how sustain the original implication of the petitioner, a new version is being projected. However, this observation is made only for the purpose of granting anticipatory bail and it will not have any bearing on the investigation as such. The petitioner also will not be entitled to take advantage of this order made by this Court.

9. Subject to this condition, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti, 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 and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of seven days. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

10. 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.

sd/-
27/01/2020

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/ /2020

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
EAST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.G.THALAI MUTHARASU, Advocate (SR-1513[I] dated
27/01/2020)

ORDER

IN

CRL OP(MD) No.1010 of 2020

Date :27/01/2020

rmi

JM/PN/SAR 3/30.01.2020/3P/6C