



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.5976 of 2020

N.Vijayakumar,

... Petitioner/Accused No.3

Vs

The State through
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No. 51 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Veerakathiravan,
Senior Counsel
For M/s.Veera Associates,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

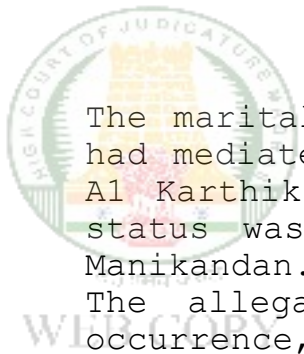
To enlarge the petitioner on bail in the event of his arrest or surrender before concerned court in Cr.No.51 of 2020 pending on the file of respondent police.

ORDER : The Court made the following order :-

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

2.The petitioner is figuring as third accused in Crime No.51 of 2020 on the file of the respondent police for the offences punishable under Sections 120(b), 109 and 302 IPC.

3.I went through the materials on record. It is seen that one Jothilakshmi, daughter of A2 Chitra was married to one Manikandan.



The marital relationship came under strain. The petitioner herein had mediated and appears to have effected re-union also. But then, A1 Karthik was having an eye on Jothilakshmi. Since her marital status was proving to be an impediment, he had killed the said Manikandan. That is why, the case on hand came to be registered. The allegation made against the petitioner is that after the occurrence, the petitioner is said to have advised A1 Karthik to surrender before the Court at Mayavaram.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would point out that A1 has been arrested and his confession shows that the petitioner also abetted the crime.

5.Even though the case is only at the investigation stage, I find it difficult to believe that the petitioner would have abetted the crime. The first accused Karthik had wanted to marry the said Jothilakshmi. Therefore, he had strong motive to do away with her husband. I am of the view that custodial interrogation of the petitioner is not really necessary. Hence, 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, Tirumangalam and on executing own bond. The petitioner is a Government servant. Therefore, there is no need for him to execute any sureties. The concerned Magistrate will accept the execution of own bond of the petitioner and the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks for interrogation from 15.06.2020 onwards. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6.The petitioner shall appear before the concerned Magistrate within seven days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

11/06/2020

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
TIRUMANGALAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5976 of 2020

Date : 11/06/2020

MYR

AE/PN/SAR-III (12.06.2020) 3P 5C