



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8736 of 2020

N.Ashok Kumar

... Petitioner/Petitioner/
Accused Rank not known

Vs

The Sub Inspector of Police,
Tamil Univeristy Police Station,
Thanjavur District
(Crime No. 242/2019).

... Respondent/Complainant

For Petitioner : M/s.A.Senthilkumar,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 242/2019 on the file of the
respondent police

ORDER : The Court made the following order :-

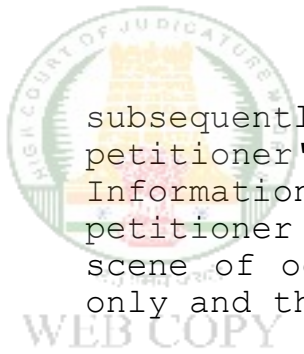
The petitioner/A13, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
147,148,120(B), 341, 294(b) and 302 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that earlier there was a
dispute in the temple festival and inorder to take revenge all the
accused persons conspired together to murder the deceased due to
which A1 to A4 said to have attacked the deceased with dangerous
weapon and caused his death. Sofar as this petitioner is concerned
he only took A1 in his two wheeler from the scene of occurrence
after murder.

4. The learned counsel for the petitioner would submit that
there is no eyewitness to the said occurrence and the petitioner
name does not found place in the First Information Report,

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



subsequently in the altered First Information Report also the petitioner's name does not found place. Even as per the First Information Report the only allegation levelled against the petitioner he only picked up A1 his two wheeler to escape from the scene of occurrence and the main allegations are against A1 to A4 only and they were released on bail.

5. The learned Additional Public Prosecutor would submit that earlier the son of A1 was attacked by the deceased and in order to take revenge A1 to A4 conspired together and A1 to A4 attacked the deceased and caused his death. So far as this petitioner is concerned he only helped A1 to escape from the scene of occurrence.

6. This petitioner has been implicated as one of the accused based on the confession given by co-accused. It is seen that the petitioner name does not found place in the First Information Report and subsequently in the altered First Information Report also the petitioner's name does not found place. The only allegation against the petitioner is that he only helped A1 to escape from the scene of occurrence after murder.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that main accused namely A1 to A4 were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(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 police daily 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 or the 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]***; and;

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

sd/-
31/08/2020

/ 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 NO.II, THANJAVUR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3.THE SUB INSPECTOR OF POLICE
TAMIL UNIVERISTY POLICE STATION,
THANJAVUR DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8736 of 2020
Date :31/08/2020

AAV
PK/PN/SAR-2/02.09.2020 : 3P/5C