



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

Date : 10/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9574 of 2020

Kamaladass

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Crime No.1011/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

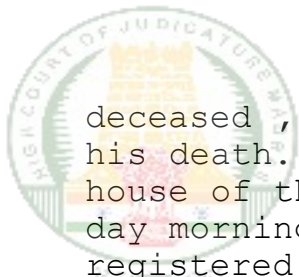
For Anticipatory Bail in Crime No.1011/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 302 and 324 of IPC @ 302,324,120(b) and 109 of IPC seeks anticipatory bail.

2. Heard both sides.

3.Totally there are nine accused in this case and the petitioner herein is arrayed as A8. The case of the prosecution is that there was a previous enmity between A1 to A3 and the



deceased, due to which they have attacked the deceased and caused his death. After the occurrence all the accused persons went to the house of the petitioner herein and stayed over night and on the next day morning they left the house of the petitioner. Earlier crime was registered for the offences under Sections 302 and 324 of IPC and based on the confession given by the A1, this petitioner has been implicated with the aid of 109 of IPC.

4. The learned counsel for the petitioner would submit that the main allegations are against A1 to A3 and the other accused were implicated only with the aid of 109 of IPC. So far as this petitioner is concerned his name does not found place in the First Information Report and he has been implicated based on the confession given by A1 in this case. He would also submit that A1 to A3 stayed in the house of the petitioner for a night and left the home next day morning and the petitioner herein without knowing the fact has given shelter to them. He would also submit that A5, A6 and A7 were granted anticipatory bail by this Court.

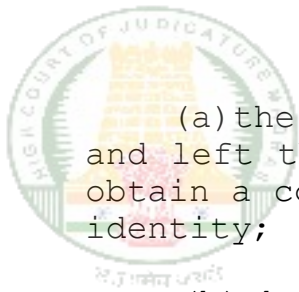
5. The learned Government Advocate (Crl.Side) would submit that A1 to A3 committed the murder of the deceased and the other accused were the part of conspiracy and this petitioner has given shelter to the accused persons knowing fully well that the accused persons has committed the offence and the confession of A1 also reveals the fact that the petitioner has given shelter to the accused persons.

6. Perused the record and considered the rival submissions.

7. It is seen from record that A1 to A3 committed the murder of the deceased and so far as this petitioner is concerned being a friend of A1 has given shelter to the accused persons for a night, other than this no other allegation has been levelled against him that he is the part of the conspiracy and he had abetted the deceased to commit the murder.

8. Taking into consideration the facts and circumstances of the case and also taking note of the fact that some of the accused persons were granted bail by this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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, Aranthangi 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 once in a week on every Monday at 10.30 am., 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]***; and;

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

sd/-
10/09/2020

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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,
ARANTHANGI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.



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

WEB COPY

ORDER

IN

CRL OP (MD) No.9574 of 2020

Date :10/09/2020

AAV

AE/JC/SAR-I (14.09.2020) 4P 5C