



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

Date : 11/06/2021

PRESENT

WEB COPY

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

CRL OP(MD) . No.269 of 2021

1. S.Alex Raj
2. R.Ravichandran
3. S.Ravichandran
4. C.Satheesh Kumar

... Petitioners/Rank Not Known

Vs

The State of Tamil Nadu
Represented by The Inspector of Police,
CBCID-South,
Madurai City Police Station,
Madurai.
(Crime No.2/2019).

... Respondent/Complainant

For Petitioners : Mr.G.Thalaimutharasu
For Mr.N.Dilip Kumar, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in P.R.C.No.290/2020 on the file of the Learned Judicial Magistrate-IV, Madurai.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 166(A), 201, 204, 343, 304(II) of I.P.C. and Section 75 of Juvenile Justice Care and Protection Act, in P.R.C.No.290 of 2020, on the file of the learned Judicial Magistrate No.IV, Madurai, seek anticipatory bail.

3. The learned Government Advocate (Crl. Side) strongly opposes the grant of relief to the petitioners herein. He would point out that this is a case of custodial death.



4. Crime No.2 of 2019 was registered by CBCID for the offences under Section 714 of Cr.P.C. The petitioners are serving as police personnel. The petitioners were not arrested during the investigation. Final report has been filed and the committal proceedings are presently pending in P.R.C.No.290 of 2020, on the file of the learned Judicial Magistrate No.IV, Madurai. After summons were received by the petitioners, this criminal original petition has been filed. The apprehension of the petitioners is that if they appear before the Court below, since the committal magistrate will not have jurisdiction to grant bail, they will be automatically remanded. This apprehension of the petitioners is legitimate. I am of the view that since the final report itself has been filed, the question of custodial interrogation does not arise at all. Arrest or remand of the petitioners will not serve any purpose. However, taking note of concerns expressed by the learned Government Advocate (Crl. Side), I am of the view that the proceedings will have to be expedited. The petitioners' counsel on instructions states that the petitioners would appear before the committal Court as well as trial Court and would not adopt any dragging on tactics. The petitioners' counsel went to the extent of saying that the petitioners would not file any discharge application and that they would cooperate for speedy disposal of the trial itself.

5. Recording the said undertaking given by the petitioners through their counsel, the petitioners are directed to appear the committal magistrate on 17.06.2021. The committal proceedings will be concluded within a period of four weeks from the said date. The learned Principal Sessions Judge, Madurai, may take up the trial by himself or make it over to any other Court, if the case is transferred to any other Court. Within a period of six months from the date of receipt of records, the trial itself shall be concluded on merits and in accordance with law. I make it clear that merely because direction for speedy disposal has been given, it will not cast any cloud on the defence of the petitioners herein.

6. With these directions, anticipatory bail is granted to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate No.IV, Madurai, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:



[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall not tamper with evidence or witnesses during trial;

[c]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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

sd/-
11/06/2021

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/ /2021
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 IV, MADURAI.
 - 2.-DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MADURAI.
 - 4.THE INSPECTOR OF POLICE,
CBCID-SOUTH, MADURAI CITY POLICE STATION,
MADURAI.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- COPY TO: THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.DILIP KUMAR Advocate SR.No.3966

ORDER IN
CRL OP(MD) No.269 of 2021
Date :11/06/2021

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<https://hccs.cslcmr.in/SOPR/In/Services/6.06.2021/3P/8C>