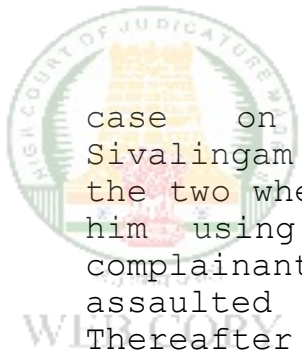




case on 15.09.2020 at about 7.45 pm., the petitioner's father Sivalingam was in the cement shop at that time A1 and A2 came in the two wheeler, picked up quarrel with their father and assaulted him using knife and cut him indiscriminately. The defacto complainant and his mother rushed to rescue him, but they were also assaulted them and one Villager namely Palani was also assaulted. Thereafter the assailants namely A1 and A2 threatened them and fled from the scene of occurrence. Hence a case came to be registered.

3. On receipt of the complaint the Inspector of Police visited the scene of occurrence on the same day, prepared observation mahazhar, rough sketch, examined the witnesses, seized the two wheeler left by the assailants. On 16.09.2020 inquest was conducted and the body was sent for post mortem and the injuries were examined. During examination the motive for assault was confirmed and thereafter during investigation it was found that a case in counter was registered in Crime Nos.107 of 2015 and 108 of 2015 between the families of the defacto complainant and the assailants due to which A1 and A2 along with A3 to A10 conspired and planned to eliminate the deceased and also abetted the assailants. During investigation it was found that A3 and A5 were present near the scene of occurrence and A4 and A6 were ready with the two wheeler to facilitate escape after the murder.

4. The first alteration report was filed on 16.09.2020. Thereafter A3,5 and 6 were arrested on 21.09.2020. A1 and A2 were arrested on 23.09.2020. On the arrest of these accused confession was recorded and recoveries were made. In the confession the role played by each accused namely A2 to A10 who involved in the conspiracy and A11 to A13 who harboured the assailants and facilitated the assailants to escape from the case came to light. The two wheeler and the car used by the assailants were seized. The second alteration report was filed on 23.09.2020.

5. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that based on the confession given by the co-accused this petitioner has been implicated in this case. He would also submit that this is the third anticipatory bail petition and the earlier petitions were dismissed by this Court on 13.10.2020 in CrI.O.P(MD) No.11232 of 2020 and on 23.11.2020 in CrI.O.P(MD) No. 13276 of 2020 and now the investigation is almost completed. He would also submit that there is some strong animosity between two families in connection with the matrimonial dispute, in which the petitioner is no way connected. He would also submit that the name of the petitioner does not found place in the First Information Report and hence he seeks anticipatory bail.

6. The learned Additional Public Prosecutor would submit that due to previous enmity between A1 and the deceased in respect of marriage the petitioner along with other accused



conspired together in commission of the murder of the deceased. He would also submit that in the said occurrence two persons also sustained injuries and there are materials for conspiracy with the other accused in the commission of offence.

7. It is seen that petitioner is roped in this case for the reason that he along with A11 and A12 had provided shelter, helped A1 and A2 to move around, change clothes, stay and meet their advocate and this fact was also confirmed by collecting the tower location of the petitioner with the other accused. Admittedly there is no tower location connecting the petitioner with other accused prior to the occurrence. Other than this there is nothing to attribute against the petitioner. Admittedly the petitioner was not present in the scene of occurrence and the main accused have been granted bail.

8. Taking into consideration all the above facts and also taking note of the fact that the investigation is almost completed, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam on condition that the petitioner shall execute 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 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., for a period of two weeks and thereafter as and when required for interrogation.

(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



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

sd/-
10/02/2021

/ TRUE COPY /

WEB COPY

/ /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,
THIRUMANGALAM.
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.855 of 2021
Date :10/02/2021
2/2

AAV
MS/VR/SAR-2/10.02.2021/4P.5C