



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

Date : 08/06/2021

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PRESENT

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

CRL OP(MD) . No.7330 of 2021

1.Karunamoorthy
2.Kailasam

... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.137/2021

... Respondent/Complainant

For Petitioners : Mr.AN.Ramanathan,
Advocate.

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

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

PRAYER :-

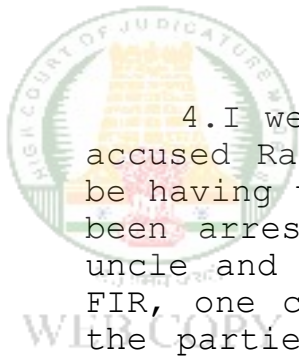
For Anticipatory Bail in Crime No. 137 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 506(ii) and 302 of IPC r/w Sections 27(2), 25(1-A) of Arms Act, in Crime No.137 of 2021 on the file of the respondent police, and seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Counsel(Crl.side) for the respondent police.

3. The learned Government Counsel(Crl.side)would strongly oppose the grant of relief by pointing out that this is a case of murder and the petitioners are also the parties to the conspiracy.



4.I went through the contents of the FIR. It is only the first accused Rathish son of the second petitioner herein who appears to be having the motive. Be that as it may, all the named accused have been arrested. The first and the second petitioners are only the uncle and the father of the first accused. From a reading of the FIR, one can note that there have been prior occurrences involving the parties concerned. Therefore, the possibility of implicating the entire family even without any basis cannot be ruled out. The custodial interrogation of the petitioners may not really be necessary. According to the prosecution, the petitioners were not present at the scene of occurrence. The petitioners are not having any previous case.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6.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, Pattukkottai, 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 report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2021

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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, PATTUKKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7330 of 2021
Date :08/06/2021

RMI
TK/MNR/SAR.2/11.06.2021/3P/5C