

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1221 of 2022

R.Ramesh

... Petitioner

Vs.

The State represented by ...Respondent/complainant
The Sub Inspector of Police,
Pagandai Koot Road Police Station,
Kallakurichi District.
(Crime No.62 of 2014)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.62 of 2014 on the file of the respondent police.

For Petitioner : Mr.D.Amalraj

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 302 of IPC in Crime No.62 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.09.2014, the friends of the deceased came to the deceased house and the deceased accompanied with them and went out of home, thereafter, the deceased never returned to home. It is further alleged that on 16.09.2014 at about 4 p.m., the dead body of the deceased found in the agricultural well with cut injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent person and he is no way connected in this case. He further submits that the petitioner unaware of this case foisted against him and while appearing at Judicial Magistrate, Kallakurichi in another case, the respondent police revealed that the

petitioner's name has been implicated as an absconding accused in this case, but, he is no way connected with an alleged offence and he is not at all present at the scene of occurrence. Moreover, the petitioner's name was not found as accused in FIR and there is no overt act against him in the FIR. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that it is the case of the year 2014 and he was regularly appearing before the Court. Thereafter, the petitioner was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner on 22.04.2019. He further submits that the investigation was completed and charge sheet was filed and PRC Number was assigned as PRC.No.72 of 2021.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the that the investigation was completed and charge sheet was filed and PRC Number was assigned as PRC.No.72 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate Court, Sankarapuram** 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the Trial Court on all the hearings at 10.30 a.m., without fail and he shall co-operate for trial;**

[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 has been imposed and the petitioner is 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/-
21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PAGANDAI KOOT ROAD POLICE STATION,
KALLAKURICHI DISTRICT.

+1 CC to M/S.D.AMALRAJ Advocate on payment of necessary charges
SR.NO.997

CRL OP.1221/2022

Date :21/01/2022

TA-01/02/2022