



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11661 of 2022

KUMARESAN

[PETITIONER / ACCUSED]

Vs

STATE, REP. BY
INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM.
(CRIME NO.156 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.SUNDARAVADANAM Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174(3) Cr.P.C. @ into Section 176, 201 and 302 IPC in Crime No.156 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the deceased is the daughter of the defacto complainant. The deceased was always taking with somebody over cell phone and hence, there was a quarrel between the deceased and her husband Jayakumar. While so, on 12.04.2022, at about 9 a.m. when the deceased was taking in the phone, there was a wordy quarrel between the deceased and her husband and he also beaten her and when the defacto complainant interfered, he asked her go for her work. Later, the defacto complainant was informed that her daughter committed suicide. But there was strangulation marks and blood injuries in the ears of the deceased. Hence, on suspicion initially the case was registered under Section 174 (iii) Cr.P.C.



Later on enquiry, it was found that the husband of the deceased murdered her by using strong thread. Hence, the case was altered as stated above.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and only based on the confession of A1 he has been falsely implicated in this case. He would further submit that the petitioner only arranged car to A1 without knowing the occurrence and the petitioner was not at all present in the place of occurrence and his name is also not found in the FIR. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally 3 accused in this case and the petitioner is the friend of A1 and he has been arrayed as A3 and he is the one who arranged the car to A1 to shift the body of the deceased. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. According to the prosecution, the deceased had illegal intimacy with one Ramesh and when it was questioned by the 1st accused who is being the husband of the deceased, she gave evasive reply as such, the 1st accused strangled her with strong thread and murdered her. Immediately, it was informed by A1 to the 2nd accused who is the maternal uncle of A1 and they both planned to bury the body in their native place. Thereafter, the 1st accused informed the same to the 3rd accused/the petitioner who is being the friend of A1 to arrange a car to go to native. Except the arrangement of the car by the petitioner, he has had no role in the murder committed by the 1st accused. Whether the petitioner had knowledge or not is a point of consideration. In fact the petitioner is concerned, he has been arrayed as an accused only on the confession of A1. Therefore, considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Attur, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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, failing which, the petition for anticipatory bail shall stand dismissed 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 four 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

-sd/-

10/06/2022

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,
NO.I, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SUNDARAVADANAM Advocate on payment of necessary charges SR.NO. 9002

CRL OP.11661/2022

Date :10/06/2022

RW-16/06/2022