



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI
CRIMINAL ORIGINAL PETITION No.12454 of 2022

P.SELVARAJ

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
AANDIMADAM POLICE STATION,
ARIYALUR DISTRICT. CR.NO.37 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.N.THANGARAJ Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 302 r/w 201 IPC, in Crime No.37 of 2022, seeks anticipatory bail.

2.The case was registered based on the complaint of the sister of the deceased on 04.02.2022 that her brother is missing from 2011. Based on that, initially a case for the offence of "man missing" was registered by the respondent Police. Later on the next day, the wife, the sister-in-law and the father-in-law of the deceased appeared before the Village Administrative Officer and gave extra Judicial Confession Statements stating that they three committed murder of the deceased and buried him. The Village Administrative Officer produced the accused before the respondent police and the respondent police during the course of investigation, recorded further confession statement from A1, and pursuant to the same, this petitioner is added as accused on the allegation that he had illegal relationship with A1 and has also helped the first accused to conceal the body. The main accused, who committed the offences were arrested and released on bail.

3.According to the learned counsel for the petitioner, the petitioner is a retired Police Officer, who made certain complaints as against his own superior officers, who are having grudge as against the petitioner and they have roped in the petitioner in this case



without any materials and only available material is the confession statement of A1, which is contrary to the extra judicial confession, which is recorded on the same day. He claims that the petitioner has been falsely implicated in this case.

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4.The learned counsel for the petitioner further submits that the petitioner is a retired Government servant and he will not abscond and he is ready and willing to co-operate with the investigation. Hence, he seeks anticipatory bail.

5.The learned Government Advocate submits that the investigation has been completed and final report is awaited for scientific reports.

6.Considering the nature of allegations as against the petitioner and taking into consideration of the fact that the investigation has almost been completed and that the only material available as against the petitioner is the confession statement, which is also contra to the extra judicial confession, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate II, Jayamkodem, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily, until further orders.

[c]the petitioner shall not tamper with the 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 229-A IPC.

-sd/-

01/06/2022

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.II, JAYAMKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
AANDIMADAM POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.S.N.THANGARAJ Advocate on payment of necessary charges Sr.8341

CRL OP.12454/2022

Date :01/06/2022

RVR 03/06/2022