



Crl.OP.No.26212 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 302, 120B, 109 IPC, in Crime No.527 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner on account of a property dispute had conspired with the other accused and murdered the victim one Balasubramaniam. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been roped into this case, based on the confession recorded from the arrested accused. He would submit that originally, a case was registered by the respondent on the complaint given by the defacto complainant stating that her husband Balasubramaniam was found missing. Based on that, a case was registered by the Inspector of Police, Erode North Police Station, Erode District in Crime No.527 of 2016. While so, a dead body



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was recovered within the jurisdiction of Dhadikombu Police Station, Dindugal District. Upon which, a case in Crime No.373 of 2016 was registered by the Dhadikombu Police for the offences under Sections 302 and 201 IPC. Subsequently, the investigation was conducted by the Erode Police and the case files in Dhadikombu Police were transferred to Erode Police Station. Thereafter, the respondent police have filed a final report in P.R.C.No.26 of 2020 before the learned Judicial Magistrate-I, Erode against the petitioner and eight others for the offences under Sections 302, 201, 419, 120B, 364 and 109 IPC and the petitioner was shown as an absconding accused.

4. The learned counsel would submit that the petitioner was not arrested during the investigation. Other than the alleged confession statement recorded from the other arrested accused, there is no other material to connect the petitioner to the crime. He would also submit that the final report has been filed and the case is pending committal and that the arrested accused have been enlarged on bail. Therefore, there would not be any requirement for the custodial interrogation of the petitioner.



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Further, the petitioner is ready to co-operate for the speedy disposal of the trial. Hence, he prays to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A1 and he is the person, who conspired with the other accused to do away with the deceased. He would further submit that the petitioner was absconding all along. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. In reply, the learned counsel for the petitioner would submit that the petitioner is a business man, doing various businesses in Karur and he is doing business in the name of Sri Ambica Knits, Vijay Nets and also running a financial company. He is also the Secretary of Kongu Educational Trust and also the president of Karur District Badminton Association for the past 20 years and he has been regularly engaging in various social activities. Thereby, it is incorrect to say that he is absconding.



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7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

8. Taking into consideration the submissions and that the petitioner has been implicated only based on the confession and despite the fact that the case has been registered during the year 2016 and the respondent has not taken any steps to arrest the petitioner, this Court is of the opinion that custody of the petitioner may not be required. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

9. 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 1, Erode on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 appear before the learned Judicial Magistrate 1, Erode on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Judicial Magistrate.

[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]**.



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

16.11.2022

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