



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1501 of 2022

Balakrishnan

...Petitioner/Accused No.6

Vs.

State rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram.
Cr.No. 685 of 2021.

...Respondent/Complainant

For Petitioner : Mr.A.Uthayakumar, Advocate.

For Respondent : Mr.E.Antony Ashaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.685 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 302 IPC @ 147, 148, 341, 506(ii) and 302 IPC r/w 120 (b) IPC, in Crime No. 685 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the accused persons attacked the defacto complainant with deadly weapons, as a result of which, he succumbed to the injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is studying Law Course, in Chennai Law College, that he was not at all present at the time of occurrence and that only on the basis of the confession statement alleged to have been taken from the co-accused he has been implicated in this case. He would



further submit that the petitioner has nothing to do with the alleged occurrence.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the petitioner was allegedly not present at the time of occurrence, he was implicated as he was a party to the conspiracy to murder the deceased. He would further submit that the accused 1 to 3 were already arrested and on instructions, he would further submit that A3 was already released on bail.

5.Considering the facts and circumstances of the case and also the fact that the petitioner was not at all present at the time of occurrence and he was implicated only on the basis of the confession statement alleged to have been taken from the co-accused and also the fact that the petitioner is not having any bad antecedents, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/02/2022

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/ /2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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,
KAMUTHI,
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.UTHAYA KUMAR, Advocate (SR-1078[I] dated 14/02/2022)

ORDER
IN
CRL OP(MD) No.1501 of 2022
Date :14/02/2022

PKP/SBN/SAR-1/21.02.2022/3P/6C