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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3682 of 2022

Balamani

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.552 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.552/2021on 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 offence punishable under Section 302 IPC, in Crime No.552 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner's son was murdered by the defacto complainant's younger son one Ajith Kumar, due to that, the petitioner and other accused had murdered the defacto complainant's son. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused were granted anticipatory bail by this Court.

4.The learned Additional Public Prosecutor would submit that there are 25 accused and the petitioner is A22. He would further submit that the petitioner was not present at the time of occurrence and on the ground of conspiracy, he was implicated and that some of the accused were already released on bail.

5.Considering the above facts and circumstances and also considering the nature of charges levelled against the petitioner and taking note of the facts that the petitioner is not having any bad antecedents and that the investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 No.I, Sivagangai, 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation;

(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]**; and;



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

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Sd/-
23/02/2022

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 NO.I,
SIVAGANGAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KALAIYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.3682 of 2022
Date : 23/02/2022

SP/VR/SAR I/03/03/2022/3P/5C