



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.20571 of 2022

K.Esakiraja

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(In Crime No.156 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Malaikani S, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.156 of 2022 on the file of the
Respondent Police

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 294(b),
302 and 506(i) of I.P.C, in Crime No.156 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that on 05.09.2022, there was
a wordy quarrel arose between the deceased viz., Vigneswaran and the
accused and they trampled the deceased on the private part, due to
that, on 08.09.2022, the deceased died at Government Hospital,
Virudhunagar. Hence, the complaint.



3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, this petitioner has been arrayed as accused in this case. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that investigation in this case has been completed. Further, the co-accused were already released on bail. Hence, the petitioner may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that there was a money dispute between the accused and the deceased, due to which, the petitioner along with other accused persons conspired together and committed the murder. He would further submit that co-accused were already released on bail by the Court below and the investigation in this case has been completed and the charge sheet has also been filed before the concerned Court. However, considering the gravity of the offence, he strongly opposed to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail and also the facts that investigation has been completed and the charge sheet has also been filed before the concerned Court, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 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 at 10.30 a.m., 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/-
21/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

TO

1. THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.
- 2 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MALAIKANI S Advocate SR.No.13387

ORDER
IN
CRL OP(MD) No.20571 of 2022
Date :21/11/2022

SP/BUC/SAR III/30/11/2022/3P/6C