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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1783 of 2023

Rajesh @ Antony Alwin

... Petitioner/3rd Accused

Vs

State Rep. by,
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli-627006.
in Crime No.94/2022

... Respondent/Complainant

For Petitioner : M/s.Rajiv Rufus V,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

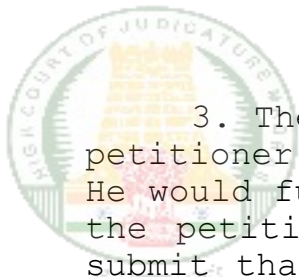
PRAYER :-

For Anticipatory Bail in Crime No.94/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 341,294(b),307, 506(ii) of IPC @ 341,294(b),302 and 506(ii) of IPC, in Crime No. 94 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on account of previous enmity between the deceased and A1 due to financial transaction all the accused persons conspired together and pursuant to the conspiracy they arranged hirelings and committed the murder of the deceased, hence the case,



3. The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely roped in this case. He would further submit that absolutely there is no material against the petitioner to implicate him as an accused. He would further submit that the petitioner has been implicated as an accused based on the confession recorded from the other accused. He would further submit that major part of the investigation is over and the petitioner is ready to cooperate for the investigation, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A3 in this case. He would further submit that due to enmity between A1 and the deceased Venkatesan regarding financial transaction and tenancy dispute between the deceased and this petitioner all the accused persons conspired together and thereby pursuant to the conspiracy they arranged hirelings and had committed the murder of the deceased. He would further submit that the investigation has been completed and final report has been filed before the learned Judicial Magistrate No.IV, Tirunelveli and the same has been taken cognizance in PRC No.310 of 2022 and the case stands posted to 31.03.2023

5. Heard. Perused the materials available on record including the First Information Report.

6. It is alleged that the petitioner had conspired together with the other accused and had arranged hirelings and committed the murder of the deceased. It is also submitted that investigation has been completed and final report has been filed before the learned Judicial Magistrate No.IV, Tirunelveli and the same has been taken cognizance in PRC No.310 of 2022 and in this case summons has been issued to the petitioner to appear before the trial Court, hence this Court is of the opinion that custodial interrogation of the petitioner may not be required. In view of the same, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. 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 No.IV, Tirunelveli 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 respondent police or the police officer who intends to arrest or to the satisfaction of 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 confirm their identity.



[b] the petitioner shall report before the learned Magistrate No.IV, Tirunelveli on all working days at 10.30 a.m., for a period of two weeks and thereafter on the date fixed by the learned Sessions Judge.

[c] the petitioner shall not tamper with evidence or witness during trial.

[d] the petitioner shall not abscond during 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 229A IPC.

sd/-

31/01/2023

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/02/2023

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

AAV

TO

- 1 JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI-627006.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJIV RUFUS V Advocate SR.No.1479 (I)

ORDER

IN

CRL OP(MD) No.1783 of 2023

Date :31/01/2023

NA/SSS/SAR-4/09.02.2023/3P/6C