



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.2116 of 2023

WEB COPY

C.Murugan

... Petitioner/Accused No.7

-VS-

The State represented by
The Inspector of Police,
Sevalapari Police Station,
Tirunelveli District.
(in Cr.No.219 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.219 of 2022.

For Petitioner	: Mr.R.ANANDHARAJ, Advocate for
	Mr.K.SUYAMBULINGA BHARATHI, Advocate
For Respondent	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 341, 147, 148, 149, 109, 294(b), 302 and 506(ii) of IPC in Crime No.219 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 10.11.2022, due to a caste rivalry, the petitioner along with 13 other accused have way laid the victim Mayandi and committed murder of him by indiscriminately cutting him with Aruval. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the allegation as per the prosecution, is that the murder has been committed on account of a communal rivalry between two communities. He would further submit that the de-facto complainant had given graphic details of several persons being involved in the offence and one among the persons, is the petitioner. He would further submit that the alleged occurrence is stated to have been taken place at 04.30 p.m. in the evening and admittedly, the complaint has been given at 10.30 p.m., though the police station is within the range of 2 kms from the scene of



occurrence. The place of employment of the petitioner and the place of occurrence is about 22kms. Even admittedly, in the FIR, the de-facto complainant had stated that the complaint was given, after deliberations with the relatives and elders in the community. He would further submit that the fact remains that the petitioner is employed as a temporary watcher in the Rapid Response Team in the Reserve Forest Office area of Kangaikondan and he was present at the time of occurrence in his office and it is also recorded in the CCTV footage. It is the modus of the rival communities to include all the important persons in the opposite group, so as to prevent them from helping the actual accused. Hence, he would seek for anticipatory bail to the petitioner.

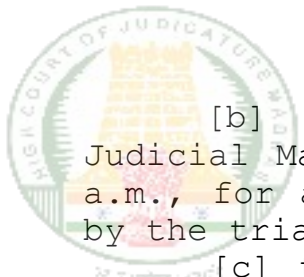
4.The learned Additional Public Prosecutor would submit that it is a case of murder on account of communal rivalry. He would submit that though as per the FIR, the petitioner was stated to have been present at the scene of occurrence, it has come to light now that the petitioner all with the other accused conspired to do away with the victim. He would further submit that the petitioner though was not present at the scene of occurrence, he has been implicated in this case based on the statement of three persons who have spoken about the petitioner's conspiracy with the other accused to do away with the victim. However, he would submit that investigation has been completed and final report has been filed and the petitioner was shown as an absconding accused and the case is taken up in P.R.C.No.29 of 2023 on the learned Judicial Magistrate No.3, Tirunelveli.

5.Heard the learned Counsel and perused the materials.

6.Taking into consideration facts and submission and the allegation against the petitioner is that he is conspired with the other accused and that now the investigation has been completed and the case is taken up in P.R.C.No.29 of 2023 on the file of the learned Judicial Magistrate No.3, Tirunelveli, this Court is of the opinion that the custodial interrogation may not be required.

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.3, 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 ensure their identity.



[b] the petitioner shall report before the the Judicial Magistrate No.3, Tirunelveli, on all working day at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the trial Court.

[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]**.

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

sd/-

15/02/2023

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/02/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE NO.3, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
SEVALAPARI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.2116 of 2023

Date :15/02/2023

SA/SSS/SAR.4/27.02.2023/3P/5C