



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11098 of 2023

Radhika,

... Petitioner/Accused No.5

Vs

The state rep.by
The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
(Crime No.896 of 2014)

... Respondent/Complainant

For Petitioner : M/s.Karthick.R.J.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.896 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147,148,302 of IPC @147,148,120(b),341,302 of IPC in Crime No. 896 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the deceased involved in a murder case and they were arrested and detained in Central Prison, Palayamkottai and thereafter they stayed in Madurai to comply with the conditions before the Anna Nagar Police Station. It is further alleged on 08.08.2014 at about 9.15a.m., at Thirupalai main road, Madurai the accused persons assaulted the deceased with sickle and caused his death, hence the



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are five accused in this case. Admittedly the name of the petitioner does not found place in the First Information Report and he has been implicated as an accused based on the confession given by the other accused. It is seen that the husband of the petitioner was murdered by the deceased, therefore there was enmity between them and as such the petitioner engaged A1 to A4 and murdered the deceased while he was complying with the conditions. The crime is of the year 2014 and the respondent has filed the final report showing the accused as absconding accused. Further final report was filed only on 05.06.2023. Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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.II, Madurai 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 respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

[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].



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23

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

sd/-

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

AAV

TO

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

ORDER

IN

CRL OP(MD) No.11098 of 2023

Date :21/06/2023

SI/ SKN/ (28.06.2023)3P/ 5C