



CRL OP(MD). No.13434 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13434 of 2024

Abdul Rahumankhan

... Petitioner/ Accused (Rank not known)

Vs

The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
(Crime No. 43/2024).

... Respondent/ Complainant

For Petitioner

: Mr.D.Venkatesh, Advocate

For Respondent

: Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 43 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

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The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.43 of 2024, for the offence punishable under Section 174(3) Code of Criminal Procedure, 1973 altered into Section 147, 148, 302 and 341 IPC has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that when the defacto complainant's husband was returning home from the work place, in a tow wheeler, some unknown persons assaulted him with iron rod, caused grievous injuries and due to the same, he died. Hence, the case.

3. Considering the allegation as against the petitioner that he has committed the murder as a henchman, this Court has dismissed the earlier application.

4.This is the second application filed by the petitioner seeking anticipatory bail on the ground that the petitioner is innocent and he is also a meritorious student studying Engineering in an engineering college.

5.The learned Counsel appearing for the petitioner by filing a typed set of

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papers along with the mark statements submits that the petitioner has cleared all the four semester examinations. However, he could not appear for the fifth semester in view of the criminal case, which was registered as against him in Crime No.43 of 2024.

6.Considering the said submission made by the learned Counsel for the petitioner, this Court by earlier order, dated 16.08.2024, has directed the petitioner to appear before the respondent police and co-operate for the investigation and also directed the respondent police to file a report before this Court. Accordingly, a report has been filed before this Court reiterating the stand of the respondent police that the petitioner has acted as a henchman in the commission of offence. With regard to the averment made by the petitioner that he is a meritorious student studying in an Engineering College, the respondent police had also verified with the College, where the petitioner studied and submits that the petitioner is studying Electronics and Communication Engineering and he has not attended the College from 25.03.2024. The respondent police has also furnished the details that the petitioner has also involved in the commission of dacoity along with his friends in Crime No.583 of 2024, registered for the offence under Sections 392 IPC.



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7. This Court has considered the rival submissions made and also perused the materials placed on record.

8. This petitioner is added as accused that he has committed the murder along with the other accused. Admittedly, the petitioner is a student. The document placed before this Court reveals that the petitioner has cleared all the four semesters. However he could not appear for the fifth semester, which was conducted in the month of May 2024, since he has been implicated in the present case. The present case in Crime No.43 of 2024 was registered on 23.04.2024 for the occurrence said to have taken place on 22.04.2024. According to the petitioner from 25.03.2024, he was in study holiday for the upcoming fifth semester examination and he has been falsely implicated. Therefore, he did not attend the college.

9. Considering the facts and circumstances of the case and also considering the stage of the investigation, this Court is inclined to grant anticipatory bail to the petitioner.

10. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a



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period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate on condition that

(i) the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamelkudi, Pudukottai District. The sureties must be of respectable persons.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 am for a period of thirty days and thereafter as and when required for interrogation. He has to co-operate for the investigation.

(iv) The petitioner shall file an undertaking affidavit stating that he will attend the college regularly and will not indulge in any offence in the future.

(v) The petitioner shall not misuse the liberty granted to him by indulging in

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any further offence and shall not tamper with the prosecution witnesses.

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(vi) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
27/08/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE JUDICIAL MAGISTRATE, MANAMELKUDI, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
3. THE INSPECTOR OF POLICE,
MIMISAL POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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WEB COPY +1 CC to M/s.D.VENKATESH, Advocate (SR-10468[I] dated 28/08/2024)

ORDER
IN
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Date :27/08/2024

RK/GS (30/08/2024) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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