



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.15512 of 2016

NAGARAJAN,

... PETITIONER / ACCUSED No.1

Vs

State rep.by

THE INSPECTOR OF POLICE,

KANDAMANOOR POLICE STATION, THENI DISTRICT

CR. NO. 126 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S P.SENGUTTUARASAN Advocate

For Respondent : MR.P.Kannithevan, Govt. Advocate (Crl. Side)

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

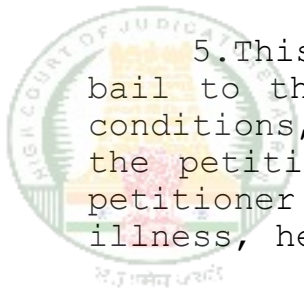
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 IPC, in Crime No.126 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that both the petitioner and defacto complainant are close relatives and the defacto complainant and his brothers executed a power of attorney in favour of the second accused with regard to the ancestral property of the defacto complainant and in pursuant to the said power of attorney, the second accused and others, executed a sale agreement in favour of accused Nos.5, 6 and 7. Subsequently the accused did not settle the amount to the defacto complainant. Due to that, the deceased, wife of the defacto complainant, murdered her child and committed suicide. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that there is a dispute between the defacto complainant and his wife and the petitioner gave the amount to the defacto complainant and due to that the deceased has committed suicide and he is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent.



5.This Court by an order dated 14.06.2016 granted anticipatory bail to the petitioner in CrI.O.P(MD)No.7727 of 2016 with certain conditions, one of the condition is to execute the sureties. But, the petitioner did not execute the sureties in time and now, the petitioner has filed this petition on the ground that due to illness, he was unable to execute the sureties in time.

6.Considering the facts and circumstances of the case and also considering the fact that this Court has already granted anticipatory bail to the petitioner in CrI.O.P(MD)No.7727 of 2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Andipatti, Theni District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

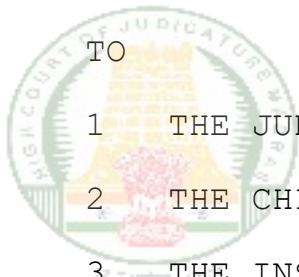
- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
24/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT

3 THE INSPECTOR OF POLICE,
KANDAMANOOR POLICE STATION, THENI DISTRICT

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

+1. CC to M/S P.SENGUTTUARASAN Advocate SR.No.47370

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ORDER

IN

CRL OP(MD) No.15512 of 2016

Date :24/08/2016