



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

Friday, the Seventeenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15084 of 2017

ERUSAPPAN

... PETITIONER / A 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
E.PUDUR POLICE STATION, TRICHY DISTRICT.
(CRIME NO.450 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.SANTHANAM RAJESHKUMAR Advocate

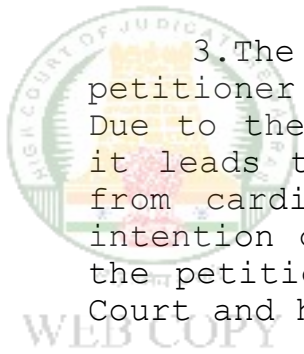
For Respondent : MR.C.MAYILVAHANA RAJENDRAN
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C which was subsequently altered to Section 302 of I.P.C, in Crime No.450 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 are the father-in-law and brother-in-law of the deceased. There was a family dispute between the petitioner/A2 and the deceased. On 12.10.2017, the petitioner/A2 went to the house of the deceased in order to enquire about the matrimonial dispute and thereby, there was a wordy quarrel in between them which leads to altercation. The petitioner/A2 attacked the deceased and thereafter, the deceased fell down on the floor and suffered from cardiac arrest. Immediately, the deceased was taken to the hospital and declared dead by the doctor. On suspicious, the Village Administrative Officer lodged a complaint before the respondent police under Section 171 Cr.P.C. After completion of investigation, Doctor's report was submitted. Based on the Doctors report, the offence under Section 171 Cr.P.C is altered to Section 302 I.P.C. Admittedly, the deceased person and the petitioner/A2 are close relatives (i.e.) brother-in-law. There is no previous motive to commit murder and admittedly, there is no specific overt act against the petitioner/A2. The intention of the petitioner/A2 was to solve the family dispute, however, it leads to manhandle and thereby, the deceased suffered cardiac arrest.



3.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. Due to the altercation between the petitioner/A2 and the deceased, it leads to manhandle and subsequently, the deceased was suffered from cardiac arrest. He further submitted that it is not the intention of the petitioner/A2 to murder his own brother-in-law and the petitioner/A2 is ready to abide any conditions imposed by this Court and hence, he prayed for anticipatory bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that based on the Doctor's report, the case was altered to Section 302 of I.P.C., and the investigation has also been completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), I am inclined to grant anticipatory bail to the petitioner/A2 with certain conditions. Accordingly, the petitioner/A2 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 No.II, Trichy, on condition that the petitioner/A2 shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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/A2 shall report before the respondent police, daily at 10.30 a.m., until further orders;
- (ii) the petitioner/A2 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner/A2 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioner/A2 shall not abscond either during investigation or trial;
- (v) the petitioner/A2 shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioner/A2 in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

17/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
E.PUDUR POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.34625

ORDER

IN

CRL OP (MD) No.15084 of 2017

Date :17/11/2017

MKV-PM-PN-SAR 1/17.11.2017/3P-6C