



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.725 of 2018

1 V.RAJESH PERUMAL
2 K.KENDIYAR
3 A.SIRAJUDHEEN

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT
(IN CR.NO. 103/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.M.ARUMUGAM Advocate
For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

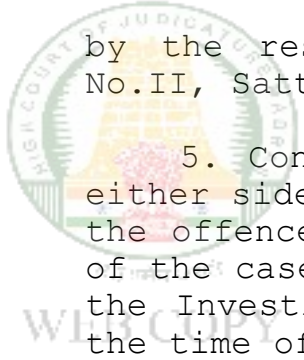
ORDER : The Court Made the following order :-

The petitioners/A-1 to A-3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 286, 304(ii), r/w Section 34 of I.P.C., in Crime No.103 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A1 to A3 are the owners of the Seethammal Match Factory. on 18.02.2017, when the defacto complainant along with one Anand went to the Seethammal Match Factory to purchase match box from the factory, at that time, the said Anand along with one Karupphasamy entered into the shed, while so, fire was broken and both of them died due to the said fire.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. He further submitted that the case was investigated and the final report has been filed by the respondent police before the learned Judicial Magistrate No.II, Sattur for the alleged offences under Sections 286, 304(ii) r/w Section 34 I.P.C., and as of now, pending as P.R.C.No.25 of 2017. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that after completing the investigation, final report has been filed



by the respondent police before the learned Judicial Magistrate No.II, Sattur and the same was pending as P.R.C.No.25 of 2017.

5. Considering the submissions made by the learned counsel on either side, it disclose that initially this case was registered for the offence under Section 286 and 304(A) I.P.C., After registration of the case, the other accused in this case was released on bail by the Investigating Officer itself. According to prosecution, during the time of investigation, the case which was registered against the petitioners, altered into Sections 286, 304(ii) r/w Section 34 I.P.C., As of now, after completing the investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.25 of 2017 by the Judicial Magistrate No.II, Sattur. So, considering the stage of the case, custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their 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, Sattur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the learned Judicial Magistrate No.II, Sattur daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-
23/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.1128

ORDER

IN

CRL OP(MD) No.725 of 2018

Date :23/01/2018

MKV-PM-PN-SAR 1/25.1.2018/3P-6C