



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20750 of 2018

SILVESTAR DHASS

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
PUDUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.301/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.SENGUTTUARASAN Advocate

For Respondent : MR.M.ASOKAN, Government Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C., 451, 354 A(3), 306 IPC @ 174 Cr.P.C, @ 452, 354(A), 376, 511, 306 r/w 34 and 212 IPC, in Crime No.301 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the deceased namely sheeba called the accused No.1 for repairing TV, at that time, accused No.1 misbehaved with her. Based on the above incident, the deceased set fire herself by using kerosene and on such time, the petitioner went to the deceased house and pour the water on her body. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that the dying declaration given by the victim, nothing is found as against the petitioner. He further submitted that investigation is pending.



5. Taking into consideration the facts of the case and it is found that the petitioner is not aware of any of the happenings, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 No.2, Kuzhithurai, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2018

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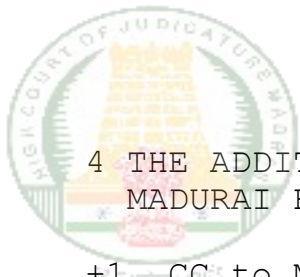
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE,
PUDUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.



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

+1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No. 22495

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ORDER

IN

CRL OP (MD) No.20750 of 2018

Date :30/11/2018

JM/VR MMS/SAR 3/03.12.2018/3P/6C