



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.4551 of 2019

1 RAJAPANDI  
2 MARIMUTHU

... PETITIONERS / ACCUSED  
RANK NOT KNOWN

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
AVUDAIYARKOVIL POLICE STATION,  
PUDUKOTTAI DISTRICT,  
Crime No. 16 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.LENIN KUMAR 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 who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 302 and 506(i) of IPC, in Cr.No.16 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the deceased person is an accused in earlier cases and he attempted to commit rape a girl child aged about 8 years namely Abinaya, for which the Law Enforcing Agency registered a case against him. The villagers condemned him. Thereafter, he ran away from his village. When the matter was enquired, the deceased persons returned back home. On 03.02.2019, when the defacto complainant along with his kith and kin were walking along with the street, one Koolu @ Kalidoss, who is the maternal uncle of Abinaya and one Kasiviswanathan attacked the deceased by using hands and abused him with filthy language and also threatened him with dire consequences. Later on, the deceased person relatives also attacked the deceased and he succumbed to the injury and died in the hospital. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that investigation is still pending.

5. Considering the facts and circumstances of the case the deceased already filling criminal cases. A1 and A2 are relatives, they were already assaulted and remanded to the judicial custody, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Aranthangi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
27/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,  
ARANTHANGI.

2. THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE  
AVUDAIYARKOVIL POLICE STATION,  
PUDUKOTTAI DISTRICT.

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

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.5619

ORDER

IN

CRL OP(MD) No.4551 of 2019

Date :27/03/2019

TK/PN/SAR-2/29.03.2019/3P/6C