

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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4881 of 2019

1 GANESAN,
2 ALAGU THAI,

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, THENI DT.
(CRIME.NO.164 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.SIVAKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI 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 Section 174 of Cr.P.C., @ under Section 306 of IPC in Cr.No.164 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the mother of the deceased and the allegation is that the deceased developed an illegal intimacy with the third accused's wife. When it was questioned by the petitioners and the other accused person, due to humiliation, the deceased consumed pesticide on 21.03.2019 and he also lodged a complaint before the respondent police against the accused persons. Thereafter, he was admitted in the hospital, but he died. With the above allegations, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence.

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

5.Considering the facts and circumstances and considering the fact that there is no serious allegation against the petitioners, 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, Uthamapalayam, on condition that the petitioners 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 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 as and when required for interrogation;

(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/-
03/04/2019

/ TRUE COPY /

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

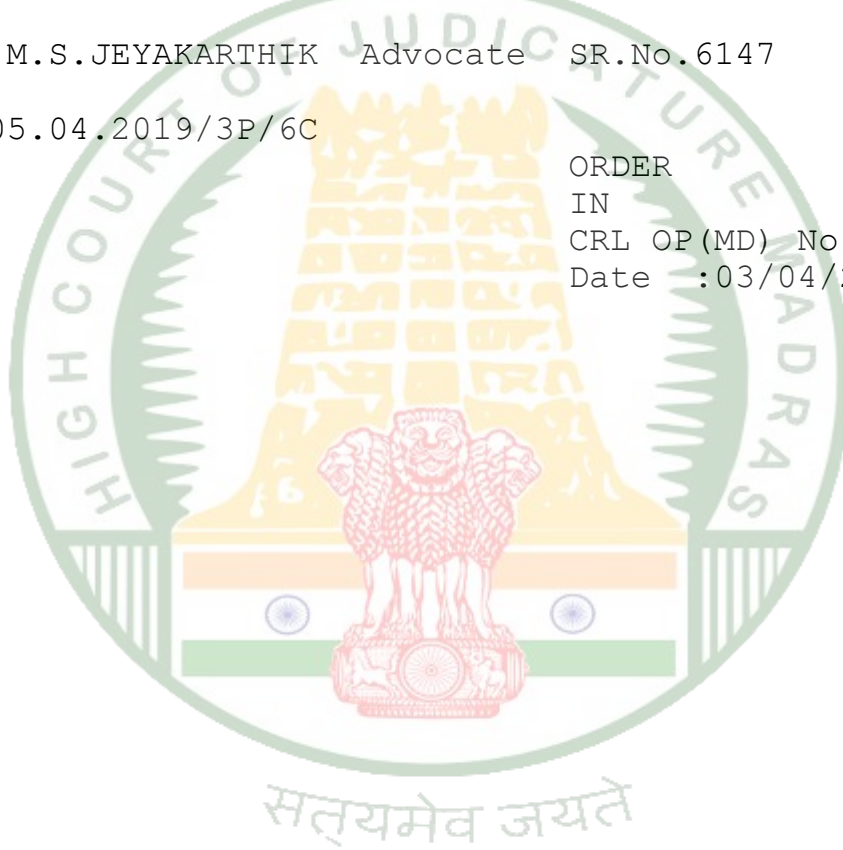
TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, THENI DT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.6147

PS/PN/SAR-3/05.04.2019/3P/6C

ORDER
IN
CRL OP(MD) No.4881 of 2019
Date :03/04/2019



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