



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

Tuesday, the Twenty Third day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5840 of 2019

1 M. CHOKKUTHEVAR,
2 THANGAM,
3 THANGA RAMAN,
4 DEEPANKUMAR,
5 POUNMALAI,

... PETITIONERS / ACCUSED NO.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SINDHUPATTI P.S., MADURAI DT.
(CRIME.NO. NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.CHENGIZ KHAN 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Section 306 of IPC in Cr.No.77 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute between the petitioner as well as the deceased person, the petitioner assaulted the deceased with wooden log, for which he consumed poison and died at the hospital.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are innocent persons. He would also submit that there was a civil dispute between them and they are not responsible for consuming poison.



deceased person filed two complaint in which the petitioner has filed Not to Harass petition before this Court and thereafter only he consumed poison and therefore the deceased daughter has filed the present complaint for the above said offence.

5. Considering the facts and circumstances and considering the fact that the a civil dispute, pending in between the petitioner and defendent family 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, Thirumangalam 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 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/-
23/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
SINDHUPATTI P.S., MADURAI DT.

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

+1. CC to Mr.K.CHENGIZ KHAN Advocate SR.No.7057

PS/VR/SAR-1/26.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5840 of 2019

Date :23/04/2019