



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.7020 of 2019

1 MARIYAPPAN

2 SOKKAIAH

... PETITIONERS / A1 & A2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

(CRIME NO.132 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.K.MANICKAM Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323 and 307 I.P.C in Crime No.132 of 2019, seek anticipatory bail.

2. The first petitioner is the husband of the *de facto* complainant and the second petitioner is the uncle of the first petitioner. The case of the prosecution is that the marriage was solemnized between the first petitioner and the *de facto* complainant and thereafter, there was some difference of opinion between them as a result of which, the *de facto* complainant left to her parental home. On 23.04.2019, the petitioners came to the *de facto* complainant's house and attempted to murder her by pressing her neck using shawl and fled away from the scene of occurrence. Thereafter, she was taken to hospital for treatment by her parents.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and have not committed any offences as alleged by the prosecution.



4. The learned Government Advocate (Crl. Side) opposes for the grant of bail as the investigation is yet to be completed.

5. Taking into consideration of the fact that a substantial portion of the investigation is over and considering the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Elayangudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum to the satisfaction of the said Magistrate, on further conditions that:

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

[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]**.

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

sd/-

15/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ELAYANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A.K.MANICKAM, Advocate (SR-8342[I] dated 15/05/2019)

ORDER

IN

CRL OP (MD) No.7020 of 2019

Date :15/05/2019

JM/JC/SAR 1/21.05.2019/3P/6C