



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.7117 of 2019

1 GURUNATHAN SAIT @ SUDHAKAR PATIL

2 GANESAN SAIT @ SACHIN SURVE ... PETITIONERS No.1 & 2 /
ACCUSED Nos.2 & 3

Vs

THE STATE REP., BY
THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI. ... RESPONDENT/ COMPLAINANT
(CRIME NO.269 OF 2019)

For Petitioners : M/S. V. VISHNU 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/accused Nos.2 and 3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 174 Cr.P.C., subsequently altered into Section 306 of IPC in Crime No.269 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.V.Vishnu, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The *defacto* complainant is the son of the deceased. The case of the prosecution is that the *defacto* complainant borrowed money from the accused and he was regularly paying the interest. Since he was default in repayment recently, he was insulted by the accused. <https://hccservices.courts.gov.in/hccservices/> the complainant's father committed suicide by consuming poison. Hence, the complaint.



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that Accused no.1 was granted bail by this Court in CrI.O.P.(MD)No.6039 of 2019 dated 25.04.2019. Hence, he prays to grant anticipatory bail to these petitioners.

5.The learned Government Advocate (CrI Side) appearing for the respondent has no objection for granting anticipatory bail to the petitioners.

6.Taking into consideration of the facts and circumstances of the case and also considering the submission made by the learned petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7.Accordingly, the petitioners are ordered to be released on bail on executing a bond in the event of arrest or on their appearance, for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of learned Judicial Magistrate, Theni and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
15/05/2019

/ TRUE COPY /

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

TO



2 DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLLICE
THENI POLICE SATION, THENI.

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

+1. CC to M/S. V. VISHNU Advocate SR.No.8536

ORDER
IN
CRL OP(MD) No.7117 of 2019
Date :15/05/2019

ES/PN/SAR 3/20.05.2019/3P/6C