



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.933 of 2019

1 SURESH KANNAN

2 SELVAM

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ERVADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime No.2/2019

... RESPONDENT / COMPLAINANT

M.GOWRI

...PETITIONER/3rd PARTY/
DE-FACTO COMPLAINANT

For Petitioner : Mr.SULTHAN BASHA Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

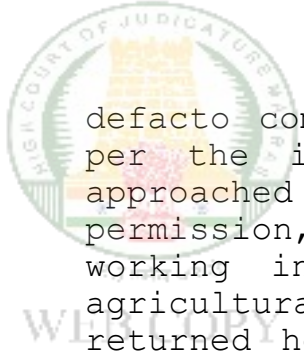
For Intervener :Mr.S.MALAIKANI Advocate

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 offences punishable under Sections 174 @ 306 I.P.C, in Crime No.2 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the deceased and the petitioners are colleagues, who were working in the TASMACHOP, at Ervadi, Ramanathapuram District. On 08.01.2019, the complaint was received from the deceased's wife stating that her husband consumed liquor habitually. Three months before one Maniraj was in inebriated condition during his duty hours which was found by the co-worker namely Suresh Kannan/1st petitioner herein. Subsequently, the matter brought to the knowledge of supervisor namely Selvam/2nd petitioner herein by the 1st petitioner. According to the TASMACHOP Rules, the



defacto complainant's husband relived from his duty on the day as per the instruction of 2nd petitioner. After that her husband approached was asked to approach the District Manager and to take permission, the defacto complainant's husband had been continuously working in the said shop. On 06.01.2019 after completion her agricultural field work at about 04.00.pm., the defacto complainant returned home and found her husband in a fatigue condition, when questioned the same, her husband informed that he had consumed rat poison and on the way to hospital, he had passed away. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case.

4.The learned counsel for the defacto complainant would submit that after recording the statement from the deceased on 07.1.2019, while he was alive, the respondent police failed to register the F.I.R though in the statement the deceased had stated the involvement of the accused. In the statement the deceased has made everything categorical stating that it was the accused who abetted him to consume poison.

5. The learned Government Advocate (Criminal Side) would submit that the investigation is at the preliminary stage.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Court No.II, Ramanathapuram, 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 said Magistrate, on further condition that:

[a] the petitioners shall appear before the respondent police daily at 10.30.am until further orders.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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

sd/-
01/02/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO II,
RAMANATHAPURAM
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
ERVADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.2225

ORDER
IN
CRL OP(MD) No.933 of 2019
Date :01/02/2019

TK/PN/SAR-3/13.02.2019/3P/6C