



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

Wednesday, the Ninth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.161 of 2019

MUHAMATHU THAMEEM @ MOHAMED THAMEEM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO. 137 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.RAMANATHAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

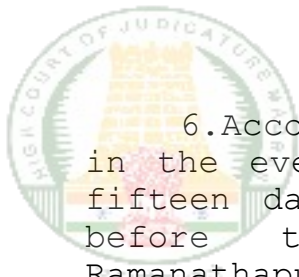
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 304 of IPC, in Cr.No.137 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that on 25.09.2018, while doing the plumping work, the deceased person fell down from the 3rd floor of the petitioner's show room and died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime. He had further stated that the petitioner had paid the compensation to the defacto complainant.

4The learned Government Advocate (Crl. Side) submits that the petitioner who is the owner of the building had paid a sum of Rs.1,51,500/- on consideration and as compensation immediately on 10.12.2018 to the credit of the deceased wife's Bank account. Copy of the Bank challon also has been produced.

5.Taking into consideration the facts of the case and the fact that the defacto complainant was paid compensation by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, condition that the petitioner 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 said Magistrate, on further condition that:

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

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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/-
09/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAN, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.RAMANATHAN Advocate SR.No. 483

ORDER
IN
CRL OP(MD) No.161 of 2019
Date :09/01/2019