



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

Friday, the Eleventh day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21542 of 2018

MUTHU KRISHNAN

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME.NO.187 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.DAVID GANESAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 323 IPC and Section 4 of Woman Harassment Act, now altered to Section 304(2) IPC, in Cr.No.187 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the brother of the deceased. There seems to be some dispute regarding the ploughing of the field. The petitioner is said to have pushed the victim down and thereby, he sustained injuries. Thereafter, he was taken to the Government Hospital on 01.11.2018, where he was treated and he passed away on 06.11.2018.

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 offence.

4. The learned Government Advocate (crl. Side) would submit that there was a dispute regarding ploughing in the field. From the Doctor's report, it is found that the cause of the death seems to be septicemia.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court 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 Srivaikundam, on 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 conditions that:

[a] if the petitioner fails 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 daily at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE SUB INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.J.DAVID GANESAN Advocate SR.No.743
PS/JC/SAR-4/23.01.2019/2P/6C

ORDER

IN

CRL OP(MD) No.21542 of 2018

Date :11/01/2019