



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22737 of 2018

GOOLU @ MALAICHAMY

... PETITIONER / ACCUSED No. 2

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.223 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.ANANDKUMAR Advocate

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

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), 341, 109 and 302 IPC in Cr.No.223 of 2018 seeks anticipatory bail.

2. The petitioner is A2 in this case. The case of the prosecution is that on 19.07.2018 at about 02.00 p.m., when the defacto complainant and her husband namely Lakshmanan were proceeding in a two-wheeler to purchase fertilizer and passing by a tea shop of one Selvam, the petitioner's son [A1] and the petitioner [A2] waylaid and abused the said Lakshmanan stating that he has spoiled the life of A1 and the said Lakshmanan was happily going with his wife and he should not be allowed to live. After purchasing the fertilizer, when they were returning on the same day, at about 05.30 p.m., the petitioner [A2] and his son [A1] and his relatives have stopped the vehicle and by using abusive language, took out Aruval and tried to attack the said Lakshmanan. The said Lakshmanan left the vehicle and ran away. The petitioner chased and attacked him with Aruval. The said Lakshmanan succumbed to the injuries and died.

3. The contention of the petitioner is that the daughter-in-law of the petitioner and the deceased were having illicit



relationship, which continued, despite several averments made. Finally, the daughter-in-law of the petitioner had left the matrimonial home and started to live separately. This is the reason for the motive of the petitioner to attack the deceased.

4. The learned counsel appearing for the petitioner further submits that the petitioner is an aged person. There is no overt act attributed against the son of the petitioner. Only the petitioner by impulsiveness had instigated his son to attack the deceased. Further, all the accused in this case, have been arrested and now released on bail. More over, the petitioner is a senior citizen and was vexed with regard to the disturbance of his son's marriage life. Hence, he prays for anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) submits that A1 surrendered before the learned Judicial Magistrate, Nilakottai on 20.07.2018, A2 and A3 in this case were arrested on 19.07.2018 and released on bail on 24.09.2018. A1, son of the petitioner was granted bail on 22.10.2018. He would further submit that substantial portion of the investigation is completed. Charge sheet is yet to be filed.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side).

7. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.

8. 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, Vadippatti, 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., for a period of two weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-

09/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
VADIPATTI, MADURAI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI
 - 3 THE INSPECTOR OF POLICE,
SOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.J.ANANDKUMAR Advocate SR.No.495

ORDER

IN

CRL OP(MD) No.22737 of 2018

Date :09/01/2019

MSI/JC/SAR-III/11.01.2019-3P/6C