



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9935 of 2019

Kumaravelu Rasu @ Kumaresan, ... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
Crime No. 40 of 2018. ... Respondent/Complainant

For Petitioner : M/s.N.Anandakumar,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2018 on the file of the Respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC, in Crime No.40 of 2018, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioner.

3.Per contra the learned Government Advocate (Criminal Side) for the respondent submitted that there was a property dispute, due to which, the petitioner herein along with other accused persons



attacked the deceased with slipper and instigated to commit suicide and also abused him with filthy language. Due to which, the deceased consumed poison and died on 17.03.2019. Hence, she opposed this petition.

4.As per FIR, the petitioner herein is own brother of the deceased and accused Nos.1 and 2 are cousin brothers of the deceased. Further it is stated in the FIR that the accused persons refused to give share in the family property and also assaulted the deceased by saying that go and die and hence, the deceased consumed poison committed suicide.

5.Taking into consideration of the fact that the dispute is with regard to the dividing of the family property and also the fact that already deceased is a married man and he is having separate residence and even the alleged occurrence took place on 09.03.2018, whereas the deceased committed suicide on 16.03.2018 and also the fact that already A1 and A2 were arrested and subsequently granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Keeranur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/07/2019

WEB COPY

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
KEERANUR, PUDUKOTTAI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.N.ANANDA KUMAR, Advocate (SR-11777[I] dated
16/07/2019)

ORDER
IN
CRL OP(MD) No.9935 of 2019
Date :16/07/2019

DAS
AE/JC/SAR-IV (25.07.2019) 3P 6C