



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10833 of 2019

Thangam, ... Petitioner/2nd Accused

Vs

The state rep by its
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District
(Crime No. 101 of 2019).

... Respondent/Complainant

For Petitioner : M/s. M.S.Jeyakarthik,
For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 101 of 2019 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 304(2) IPC in Crime No.101 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the F.I.R, A-1, who is the son of the petitioner has pushed down the deceased and he fell down on a stone and immediately, he was taken to a hospital at Emaneswaram and since the doctor was not



available, he was taken back to the house and during night at 8.30 p.m, fits developed and only, thereafter, he was taken to Government Hospital, Paramakudi and after taking first aid there, he was taken to the Government Hospital, Ramnand and there, when he was under treatment, he died on 07.05.2019. He further submitted that the F.I.R was registered against four accused persons. Except this petitioner, all other accused were already arrested and subsequently, they were released on bail. He further submitted that the only allegation made against the petitioner is that he was present in the place of occurrence along with other accused and except the said allegation, no other allegation has been made. Therefore, he prayed for grant of anticipatory bail to the petitioner.

3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that on 02.05.2019, at about 7.30 p.m that the brother of the deceased viz., Arulandhu has attacked a dog, which belongs to the accused party and subsequently, on knowing the same, the deceased went to the said place at about 8.00 p.m and a wordy quarrel arose between both the parties and in the said melee, A-1 has pushed the deceased and the deceased fell down on a stone and sustained injury on his head. She further submitted that the injured was at first taken to a hospital at Emaneswaram, since doctor was not there, the deceased was taken back to house, thereafter, at night, fits developed and immediately, he was taken to the Government Hospital, Paramakudi and thereafter to Ramnad and thereafter to Madurai and while he was taking treatment as inpatient, he died on 07.05.2019. He further submitted that investigation is not yet completed and therefore, she opposed this petition.

4.Taking into consideration the submission made by the learned counsel for the petitioner that at the time of occurrence, the petitioner was only present in the place of occurrence and except the said allegation, no other allegation has been made against the petitioner and also the fact that immediately after the occurrence, the deceased was taken to a hospital at Emaneswaram and since the doctor was not available, he was taken back to home and thereafter, after the development of fits only, he was admitted in the hospital belatedly and that was the reason for death and also the fact that already, other accused were arrested and subsequently, released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5.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, Paramakudi on condition that the petitioner 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 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 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 three weeks and thereafter, as and when required for the 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 229A IPC.

sd/-
31/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI, RAMANATHAPURAM DISTRICT

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. M.S. JEYAKARTHIK Advocate SR.No.12671

WEB COPY

ORDER

IN

CRL OP(MD) No.10833 of 2019

Date :31/07/2019

KM/JC/SAR-II (07.08.2019) 4P 6C