



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

Date : 18/06/2020

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.6314 of 2020

1. Paunraj
2. Rajenthiran
3. Maheswari

... Petitioners/Accused

Vs.

The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.24 of 2020).

... Respondent/Complainant

For Petitioner : M/s.A.Mithun Chakravathi,
Advocate.

For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

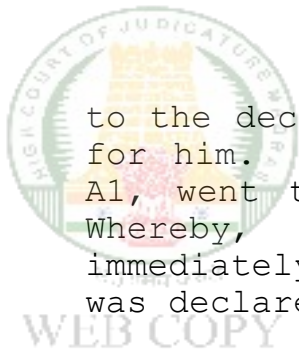
For Anticipatory Bail in Crime No.24 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 342, 323, 302 and 109 of IPC., in Crime No.24 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the deceased and Al concerned Village President election. Al given a sum of Rs.15,000/-



to the deceased for withdrawing from the election and also to work for him. But, A1 lost in the election. Therefore, the mother of A1, went to the deceased home and demanded back the money given. Whereby, wordy quarrel arose and A1 to A4 assaulted the deceased, immediately he was taken to Elumalai Primary Health Centre, where he was declared dead.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence, as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail in favour of the petitioners.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that due to election dispute, the accused assaulted the deceased and subsequently, he died in the hospital. The petitioners are A2, A11 and A16. Based on the complaint given by the brother of the deceased, the present case has been registered against the accused persons. The only allegation as against the 3rd petitioner / A16 is, she induced the accused to assault the deceased.

6. Considering the facts and circumstances of the case and also considering the overt act attributed against the petitioners 1 and 2 / A2 and A11, this Court is not inclined to grant anticipatory bail to them. Hence, this Criminal Original Petition stands dismissed in respect of Petitioners 1 and 2 / A2 & A11.

7. Insofar as this petitioner / A16 is concerned, the only overt act attributed against A16 is, she induced the other accused to assault the deceased, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioner /A16 is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Usilampatti, Madurai District and her executing 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 learned Magistrate concerned;

(ii) The petitioner/A16 shall appear before the respondent police as and when required for the purpose of interrogation.

(iii) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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



7.The petitioner/A16 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner/A16 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
18/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6314 of 2020
Date :18/06/2020

MPK
JM/PN/SAR 2/23.06.2020/3P/5C