



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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9575 of 2020

Nadarajan ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Cr.No. 834 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Jegadeesh Pandian,
Advocate.

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

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

PRAYER :-

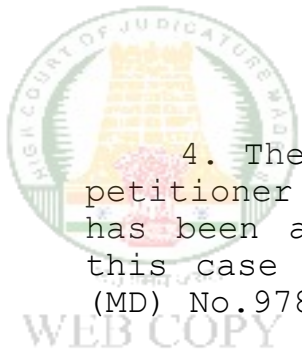
For Anticipatory Bail in Cr.No.834 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 307 @ 302 of IPC, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that there was money dispute between A2 and the deceased and on 01.08.2020 the deceased went to the house of A2 and asked to re-pay the amount and also taken three goats from the house of A2. When the same was questioned by A2, there was a quarrel between the A2, deceased and the petitioner herein, in the said quarrel the A2 said to have pushed the deceased near a pillar and he fall down on a boulder stone and sustained head injuries. Immediately he was taken to hospital and crime was registered for offence under Section 307 of IPC. Subsequently after five days the deceased succumbed to injuries and the case was altered to Section 302 of IPC.



4. The learned counsel for the petitioner would submit that the petitioner is the father of the deceased and no specific overt act has been attributed against him. He would also submit that A2 in this case was granted bail by this Court on 15.09.2020 in Crl.O.P (MD) No.9788 of 2020

5. The learned Government Advocate(Crl.Side) would submit that both the petitioner and the deceased are own brother and there was a money dispute between them, in which the petitioner along with other accused said to have pushed the deceased down and caused his death.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was granted bail by this Court and also the fact that no specific overt act has been attributed against this petitioner this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police 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]***; and;



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

sd/-
21/09/2020

/ TRUE COPY /

WEB COPY

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.9575 of 2020
Date :21/09/2020

AAV
PK/AKM/SAR-1/24.09.2020 : 3P/5C