



WEB COPY

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.10038 of 2020

Sankar ... Petitioner/Accused No.8

Vs

State Rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No. 1504/2020.

... Respondent/Complainant

For Petitioner : Mr.P.Rajkumar,
Advocate.

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

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

PRAYER :-

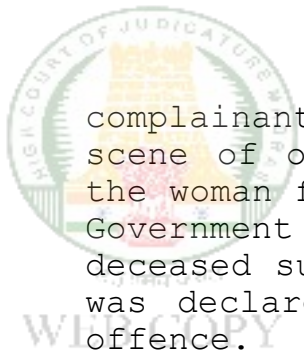
For Anticipatory Bail in Crime No.1504 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),324, 506(ii)and 302 of IPC seeks anticipatory bail.

2. Heard both sides.

3. There are totally eight accused in this case and the petitioner herein is arrayed as A8. The case of the prosecution is that there was a previous enmity between the petitioner family and the deceased. On 17.07.2020, there was a quarrel between the parties in which the petitioner and other accused said to have attacked the deceased with wooden log . When the defacto



complainant's wife of the deceased and another lady went to the scene of occurrence, the petitioner herein said to have attacked the woman folks also. After the occurrence they were admitted in the Government Hospital, Orathanadu and on the next day morning the deceased suffered chest pain and he was taken to hospital, where he was declared dead. Hence crime was registered for the above said offence.

4. The learned counsel for the petitioner would submit that the occurrence is said to have taken place in a wordy quarrel and the petitioner herein only said to have attacked the deceased with wooden stick and the other accused said to have attacked the defacto complainant and another lady. They were immediately taken to hospital by the deceased himself and admitted them in the hospital and left for house and on the next day morning the deceased suffered chest pain and he died. The Post Mortem Certificate also reveals that the deceased would have died due to cardiac arrest. He would also submit that co-accused in this case was released on bail by the Sessions Court. Hence he may be granted anticipatory bail.

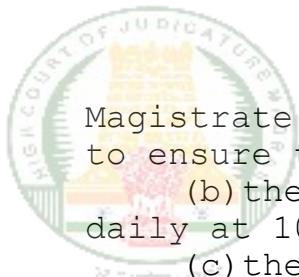
5. The learned Government Advocate (Crl.Side) would submit that there are totally eight accused in this case and all the accused persons attacked the deceased with wooden log and caused his death. He would also submit that co-accused in this case was released on bail by the Sessions Court.

6. The occurrence is said to have taken place in wordy quarrel in a civil dispute between the parties and the petitioner herein is said to have deceased with wooden log and caused injuries. On the next day morning he died due to cardiac arrest. The Post Mortem certificate also clearly reveals that there was no serious injuries on the body of the deceased and the deceased would have died due to cardiac arrest. It is also stated that co-accused in this case were granted bail by the Sessions Court.

7. Taking into consideration all the above facts this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Orathanadu 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 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 daily at 10.30 am., until further orders.

(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/-

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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, ORATHANADU.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION, THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10038 of 2020

Date : 21/09/2020

AAV

AE/JC/SAR-III (24.09.2020) 3P 5C

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