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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10677 of 2020

1. Manikandan
2. Vaithilingam ... petitioners/Accused No.2 & 9

Vs

The State Rep. by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Cr.No. 867 of 2020. ... Respondent/Complainant

For petitioners: Mr.A.Sivasubramanian, Advocate.
For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.867 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A9, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 452, 323, 324, 427, 506(ii) and 379 of IPC, in Crime No.867 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are eighteen accused in this case. The allegation against the petitioners is that, the daughter of A1 viz., Aruna and one Bugalarasan loved each other. On 27.05.2020, the said Bugalarasan married another lady viz., Santhi, due to which, the daughter of A1 said to have committed suicide. On the date of occurrence, the petitioners and the close relative of the deceased came to the house of the said Bugalarasan with dead body and placed the same in front of his house, subsequently, the petitioners and other accused persons said to have abused the defacto complainant and his family members and also attacked them with deadly weapons

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and also caused damage to the household articles. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners and the deceased are close relatives. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the daughter of A1 viz., Aruna and one Bugalarasan loved each other. On 27.05.2020, the said Bugalarasan married another lady viz., Santhi, due to which, the daughter of A1 said to have committed suicide. On the date of occurrence, the petitioners and the close relative of the deceased came to the house of the said Bugalarasan with dead body and placed the same in front of his house, consequently, the petitioners and other accused persons said to have abused the defacto complainant and his family members and also attacked them with deadly weapons and also caused damage to the household articles.

6.Considering the facts and circumstances of the case and also considering rival submissions made on either side and on perusal of the materials available on records, it is seen that the said Bugalarasan and one Aruna loved each other and, he is the brother-in-law of the defacto complainant and thereafter, he married another lady, due to which, the said Aruna said to have committed suicide, consequently, the occurrence said to have taken place. It is also seen that the occurrence said to have taken place on 28.05.2020 and the FIR has been registered 10.06.2020 with a delay of 13 days, considering the above circumstances, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Orathanadu, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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)the petitioners 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;

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(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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 Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
01/10/2020

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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,
   THANJAVUR DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   THANJAVUR DISTRICT AT KUMBAKONAM.

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

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

ORDER
IN
CRL OP(MD) No.10677 of 2020
Date :01/10/2020

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