

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6880 of 2021

1 VENGATESAN

[PETITIONERS/ACCUSED]

2 KALA

Vs

STATE REP BY.

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.176/2021

For Petitioners: M/S J.JAWAHAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate(Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b) of I.P.C r/w 4 of TNPHW Act 2002 altered to 294(b), 306 of I.P.C r/w 4 of TNPHW Act 2002 of I.P.C in Crime No.176 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first and second petitioners are husband and sister-in-law of the victim. It is alleged that the petitioners have harassed the victim due to which the victim poured kerosene on herself and set fire on her, due to which she sustained burn injuries and thereafter she was admitted in hospital for treatment and she was succumbed to the burn injuries. Hence the complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and there was only some wordy quarrel between them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that only due to the harassment made by the petitioners the victim said to have poured kerosene on herself and set fire on her and thereafter she was admitted in hospital for treatment and she was succumbed to the burn injuries. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that only due to wordy quarrel the occurrence said to have taken place, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners are 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 No.2, Nagapattinam, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter, 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 3560], and;

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

-sd/-

17/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1. THE JUDICIAL MAGISTRATE No.2,
NAGAPATTINAM.

2. THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. (FOR INFORMATION).

3. THE INSPECTOR OF POLICE,
NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S J. JAWAHAR Advocate on payment of necessary charges
SR NO.4936

CRL OP.6880/2021

Date :17/04/2021

TK/23.04.2021

सत्यमेव जयते

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