



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18885 of 2021

1 SELVAM

[PETITIONERS / ACCUSED]

2 SELVANATHAN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
SIRKAZHI,
MAYILADUTHURAI DISTRICT.
(CRIME NO.1237/2021)

For Petitioner : M/S C.T.SARAVANAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 147, 342, 324 & 302 of IPC in Cr.No.1237 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Mohanakrishnan, Village Administrative Officer, received an information that one Murugan was found dead near Mariyaman Kovil. Thereafter, the said Mohanakrishnan went to the said place and came to know that the deceased was taken back home by his relatives. Hence, he went to the house and confirmed the identity of the deceased. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the deceased consumed ganja and went to Anjammal house to commit illegality. Hence, the petitioners, who are the neighbours of the said Anjammal rushed into the house of the said Anjammal and in the act of rescuing her, they have attacked the deceased and in the said attack, the said Murugan passed away. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl side) submits that the petitioners in order to rescue the said Anjammal, attacked the deceased and also tied him in the lamp post and assaulted the deceased, due to which the deceased succumbed injuries and passed away. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by the counsel for both sides, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sirkazhi, on condition that the petitioners 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:

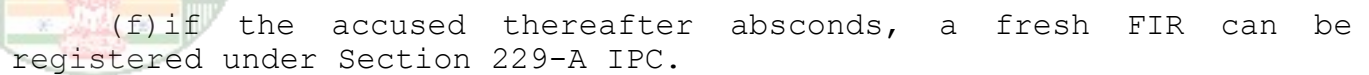
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. For a period of two 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 5560]; and;



-sd/-
01/11/2021

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