



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22080 of 2021

1.Balasubramaniyan
2.Poorani

...Petitioners

Versus

State represented by,
The Inspector of Police,
Thirunavalur Police Station,
Thirunavalur,
Kallakurichi District.
Crime No.288 of 2018.

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in Crime No.288 of 2018 on the file of the Inspector of Police, Thirunavalur Police Station, Kallakurichi District.

For Petitioner : Mr.D.Arun

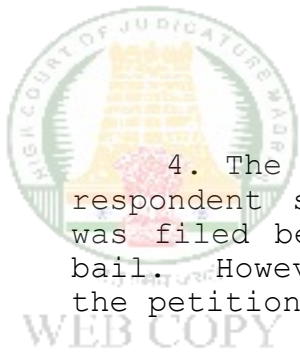
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 452, 355, 336, 302 of IPC in Crime No.288 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the A1, 2nd and 3rd petitioners have joined together, trespassed into the house of the Deceased and brought the deceased from the house and attacked him brutally, as the result he was fell down towards the floor in an unconscious stage. Therefore, the deceased wife called Medical Assistance. Later, the medical team have examined the deceased and declared that the deceased is died. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that investigation completed and charge sheet was filed before the Trial Court. A1 was arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate Court No.II, at Ulundurpet, Kallakurichi District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** 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, failing which, the petition for anticipatory bail shall stand dismissed 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.

[b] the petitioners are directed to appear before Trial Court regularly 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
23/11/2021

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.II, ULUNDURPET, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUNAVAILUR POLICE STATION,
THIRUNAVAILUR,
KALLAKURICHI DISTRICT.

+1 CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.NO.13294

CRL OP.22080/2021

Date :23/11/2021

TA-29/11/2021