



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.271 of 2021

1. Nurulla
2. Mariappan

... Petitioners/Accused No.1 and 2

Vs

State Rep. by
The Sub-Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
(Crime No.1276/2020).

... Respondent/Complainant

For Petitioners : Mr.Prabhakaran.M,
Advocate.

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

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

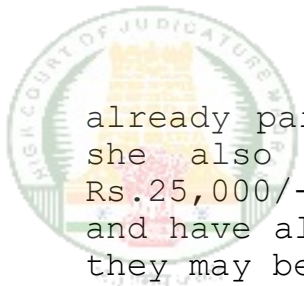
PRAYER :- For Anticipatory Bail in Crime No.1276/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 288,337 and 304(ii) of IPC seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant husband was working as a carpenter on daily wages and when he was working in the petitioner's house while moving a fiber board through staircase he fall down and succumbed to injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that after the occurrence they took steps to secure the deceased but unfortunately he died. He would further submit that deceased is the only one person and considering the aspect the petitioners have



already paid a sum of Rs.1,75,000/- to the defacto complainant and she also accepted the same. Further they have also arranged Rs.25,000/- through DD drawn in favour of the defacto complainant and have also handed over the same to the defacto complainant, hence they may be granted anticipatory bail.

WEB COPY

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant husband was working as a carpenter on daily wages and when he was working in the petitioners house while moving a fiber board through staircase he fall down and succumbed to injuries and the petitioners on humanitarian ground have paid a sum of Rs.2,00,000/- to the defacto complainant which was also received by her.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that Rs.2,00,000/- has been paid to the defacto complainant on humanitarian ground, 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 their appearance, within a period of thirty days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Srivilluputhur 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 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;

(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**



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

sd/-
27/01/2021

WEB COPY

/ TRUE COPY /

/ /2021

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 NO.II,
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE SUB-INSPECTOR OF POLICE,
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.271 of 2021
Date :27/01/2021

aav
JM/VR/SAR III/02.02.2021/3P/5C