



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) Nos.325 & 798 of 2021

1. Siva Muthukumar

2. Nagarathinam

... Petitioners/Accused (Rank Not Known)
in Crl.O.P. (MD) No.325 of 2021

Bhagavathi

... Petitioner/Accused (Rank Not Known)
in Crl.O.P. (MD) No.798 of 2021

Petchimmal

... Intervener/Petitioner/Defacto Complainant
in Crl.MP (MD) No.390 of 2021
in Crl.OP (MD) No.325 of 2021

Vs.

The State Rep.by,
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
Crime No.20 of 2021.

... Respondent/Complainant
in both Petitions

For Petitioner : Mr.R.Anand, Advocate
(in both Crl.O.Ps.)

For Respondent : Mr.K.Suyambulinga Bharathi,
(in both Crl.O.Ps.) Government Advocate (Crl.Side)

For Intervenor : Mr.M.Murugesan, Advocate
(in Crl.OP (MD) No.325 of 2021)

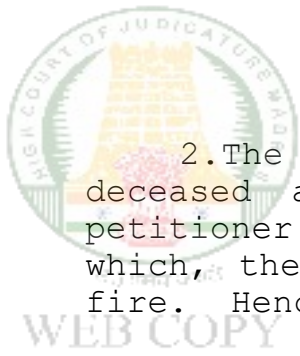
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2021 on the file of
the Respondent Police

COMMON ORDER: The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323, 324, 114 r/w 306 IPC in Crime No.20 of 2021 on the file of the
respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners and the deceased are neighbors. Due to some wordy quarrel, the first petitioner is said to have pushed him down in front of others, for which, the deceased felt ashamed and committed suicide by setting fire. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners are ready and willing to deposit some amount for welfare of the deceased's family. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervenor submitted that the petitioners herein are the cause of the death of the deceased, who is leaving behind his mother, his wife and one female child. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to the action of the petitioners herein the deceased committed suicide and that the investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioners.

6.It is seen that there is some wordy quarrel between the petitioners and the deceased. At that time the first petitioner pushed him down. Feeling insulted by the action of the petitioners, the deceased committed suicide by setting fire. Picking up quarrel with neighbors is normal one, for which, the deceased had over reacted. Further, it is seen that the petitioners without prejudice to their rights and contention produce Demand Draft for a sum of Rs.2,00,000/- for the welfare of the deceased's family. The deceased's wife and minor daughter are present before this Court and the Demand Draft is handed over to the deceased's wife.

7.In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties 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 appear 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;

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

sd/-
12/02/2021

/ 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.I,
THOOTHUKUDI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT



3.THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+2. CC to Mr.R.ANAND Advocate SR.Nos. 1067 & 1069

ORDER IN
IN
CRL OP (MD) Nos.325 & 798 of 2021
Date :12/02/2021

GNS
PK/SMA/SAR-III/18.02.2021 : 4P/7C