



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.924 of 2021

Maheśwaran,

... Petitioner/Sole Accused

State through Vs
The Inspector of Police,
Kalayarkovil Town Police Station,
Sivagangai,
Cr No. 15/2021.

... Respondent/Complainant

For Petitioner : M/s.Parthiban.M.S,
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.15/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

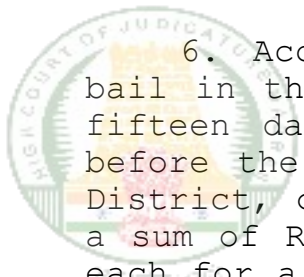
Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Section 306 of
IPC., in Crime No.15 of 2021, on the file of the respondent police,
seeks anticipatory bail.

3. The learned counsel appearing for the petitioner submits
that there was a dispute between the husband and wife because of
illegal relation of wife, the husband consumed poison and died. The
petitioner has not committed any offence, as alleged by the
prosecution and he is an innocent.

4. The learned Government Advocate (crl.side) appearing for the
respondent Police, on instructions, would submit that on 14.01.2021,
the petitioner / accused abused the defacto complainant's husband
Muniyadevan, due to which, he consumed poison and died. Hence, the
case. The investigation is under progress.

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



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.I, Sivaganga, Sivaganga 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16.02.2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MPK

TO

1. The Judicial Magistrate No.I, Sivaganga,
Sivaganga District.
2. -Do- Thro The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Kalayarkovil Town Police Station, Sivagangai,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN

CRL OP (MD) No.924 of 2021

Date : 16/02/2021