



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.3055 of 2021

Muthukumar ... Petitioner/Sole Accused
Vs

State represented by,
The Sub Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Crime No.518 of 2020. ... Respondent/Complainant

For Petitioner : MR.KARUNANIDHI,
Advocate For MR.K.BAALASUNDHARAM, Advocate.
For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail in Crime No.518 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

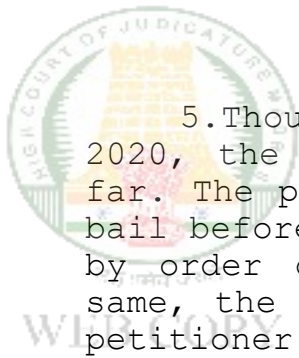
The petitioner/sole accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C, @ Section 306 I.P.C, in Crime No.518 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the deceased Radha was solemnized 14 years back. This petitioner developed illicit intimacy with another woman and harassed the deceased. On account of that, the deceased committed suicide by pouring kerosene on her and also set fire on her two children and they died. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the investigation is

<https://hccrcourtscs.gov.in/hccrcs/>



5. Though the case was registered in the month of September-2020, the respondent police has not apprehended the petitioner so far. The petitioner has also moved the application for anticipatory bail before this Court in Crl.O.P(MD).No.1314 of 2021 and this Court by order dated 02.02.2021 dismissed the application. Despite the same, the respondent police has not taken any effort to arrest the petitioner. Since the respondent police has not taken any step to complete the investigation as well as to arrest the petitioner, this Court is constrained to grant anticipatory bail to the petitioner with a hope that at least hereafter the respondent police will complete the investigation and proceed further.

6. Accordingly, this Criminal Original Petition is allowed and 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, Aranthangi, Pudukkottai 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 learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 p.m and 05.30 p.m until further orders.

(c) the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2021

/ 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,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
NAGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3055 of 2021
Date :24/08/2021

MSA
MK/VR/SAR.III/06.09.2021/3P/6C