



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

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.4447 of 2021

R.Murugan ... Petitioner/Accused (Rank Not Known)

Vs

State represented by,
The Inspector of Police,
Thirumangalam Taluk Police Station, Madurai District.
Crime No.1501 of 2020. ... Respondent/Complainant

For Petitioner : MR.A.THIRUVADI KUMAR, 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.1501 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 304(ii) I.P.C, in Crime No.1501 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased Theriyappan was working as a supervisor in Rajaram Flour Mill. On 28.10.2020 at about 3.30 p.m while the deceased was working in the flour mill, his stomach was upset and he was admitted in the hospital. After taking treatment for nearly 18 days, he died in the hospital. The complaint has been lodged by one Manikandan, the son of the deceased Theriyappan that this petitioner might have caused some injury to the deceased.

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 police, on instructions, would submit that the

<https://hcmvscourts.gov.in/hcmvscservices/>



5.The occurrence had taken place on 28.10.2020 and the case was registered on 15.11.2020. Though the case is pending for the past nine months, there is no progress in the investigation.

6.In view of the above, this Court is constrained to grant anticipatory bail to the petitioner with certain conditions.

7.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, Thirumangalam, 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 a.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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT OF POLICE,
THIRUMANGALAM, MADURAI DISTRICT.

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

+1 CC to MR.A.THIRUVADI KUMAR, Advocate (SR-5679[I] dated 25/08/2021)

ORDER

IN

CRL OP(MD) No.4447 of 2021

Date :24/08/2021

MSA

MK/VR/SAR.III/06.09.2021/3P/7C