



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

Date : 23/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.5817 of 2021

WEB COPY

1. Kumar @ Sudalaimani,
2. Thavasi

... Petitioners/A1 & A2

Vs

The State rep by
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
Cr.No. 171 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Sathya Chithambaram S,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.171 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 324, 307 and 506(ii) IPC in Crime No.171 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that the wife of the defacto
complainant committed suicide on 15.04.2021. Therefore, the family
members of the deceased, attacked the defacto complainant believing
that he is the responsible for the death of the deceased. Hence,
the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they did not commit any offence
as alleged by the prosecution. He further submitted that the entire
facts and circumstances were exaggerated in the complaint. Due to
the death of the deceased, there was some wordy quarrel and the
defacto complainant gave a false complaint.

4.The learned Additional Public Prosecutor submitted that the
incident was happened due to the suicide of the deceased and the
injured person in this case has been discharged from the hospital.



5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. It is seen from the submissions made that the wife of the defacto complainant committed suicide on 15.04.2021. Therefore, the family members of the deceased, attacked the defacto complainant believing that he is the responsible for the death of the wife of the defacto complainant. It is also seen that the injured person has been discharged from the hospital. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli on condition that the petitioner 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 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 respondent police daily at 10.30 am., until further orders.

[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.

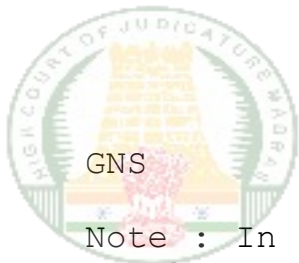
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23.04.2021

/ TRUE COPY /

/ /2021



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.IV,
TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5817 of 2021

Date : 23/04/2021

VB SKN SAR IV(04/05/2021) 3P / 5c