



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 23/09/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD) . No.13888 of 2021

and

Crl.M.P(MD) .No.7413 of 2021

WEB COPY

Karuppasamy

... Petitioner / Accused (Rank Not  
Known)

Vs

The State Rep. by  
The Inspector of Police,  
Peraiyur Police Station,  
Ramanathapuram District.  
Cr. No.91 of 2021.

... Respondent / Complainant

For Petitioner : Mr.C.Senthil Murugan  
Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Shankar Ganesh

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

PRAYER :-

For Anticipatory Bail in Crime No.91 of 2021 on the file of the  
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the  
respondent police for the alleged offence punishable under Section  
306 of IPC, in Crime No.91 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the  
defacto complainant, who is the father of the deceased, are  
neighbours. Since the petitioner along with other accused spread  
vague allegation regarding the character of the defacto  
complainant's daughter, she consumed rat poison and died. Hence, the  
complaint.

3.The learned counsel for the petitioner would submit that the  
deceased has developed illicit relationship with one Karuppasamy.  
The petitioner questioned the same and warned the deceased to  
curtail the relationship with the said Karuppasamy and he has not  
committed any offence. Even while admitting the deceased in the  
defacto complainant never uttered any facts and after  
the death, he lodged this false complaint. He would further submit  
that the brother of the deceased is working in the Police



Department, hence, the respondent police altered the FIR and implicated this petitioner and two others as accused.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the investigation is yet to be completed and also submitted that this Court had granted anticipatory bail to the co-accused in Crl.O.P.No.12721 of 2021 dated 13.09.2021.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also of the fact that this Court had granted anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Kamuthi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Ten thousand only) each 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., 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]**.

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

sd/-  
23/09/2021

/ 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,  
KAMUTHI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
PERAIYUR POLICE STATION,  
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-6626[I] dated  
27/09/2021)

ORDER IN  
CRL OP(MD) No.13888 of 2021  
Date :23/09/2021

SB/SKN/SAR-IV/26.10.2021/3P/6C