



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15823 of 2021

1. S.Chandru,

2. Vijay, ... Petitioners/Accused Nos.2 & 3

Vs

State through the
The Inspector of Police,
Varasanadu Police Station,
Theni District.
Cr.No.569/2020.

... Respondent/Complainant

For Petitioners : Mr.Kathirvelu
Advocate

for Mr.K.Prabhu, Advocate

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

PRAYER : For Anticipatory bail in Crime No.569 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 & 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 306 IPC in PRC.No.12 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 15.09.2020 at about 05.00 am., when the defacto complainant returned to his house, he saw his wife hanged herself. He saw the suicide note written by the deceased stating that the first accused and his son were the cause for her death. Hence, the present case has been registered.

3.The learned counsel for the petitioners would submit that the charge sheet has been filed only against the first accused and the Committal Court has only included the petitioners herein as accused.



4.The learned Additional Public Prosecutor strongly opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, the charge sheet has been filed only against the first accused and the Committal Court has only included the petitioners herein as accused and the fact that charge sheet is filed, the custodial interrogation of the petitioners are not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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 as and when required for interrogation;

(c)the petitioners shall not tamper with the 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]***; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



VSD/CSM

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, Aundipatti.
2. Do Through The Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Varasanadu Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.15823 of 2021
Date : 12/10/2021

TR/SKN/SAR-I (20.10.2021) 3P 5C