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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17971 of 2021

Selvaraj

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District
(Crime No.385 of 2021)

... Respondent/Complainant

For Petitioner : M/s.D.Venkatesh, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.385 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 307 and 506(ii) IPC and Section 4 of TNPHW Act in Crime No.385 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant married her maternal uncle, namely, Muthukumar. On 07.07.2021, she was arrested along with her paramour, namely, Sundar for murdering her husband. Subsequently, she was released on bail. On 23.10.2021, at about 08.00 a.m., the petitioner being her brother questioning her act of murdering her husband, strangled her neck with a towel and attacked her with sickle and also caused injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is the brother of the de-facto complainant. When the petitioner had questioned her conduct, the de-facto complainant lodged a false complaint against the petitioner herein.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured was already discharged from the hospital. He would further submit that the petitioner is having no previous case.

5.Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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. for a period of one month and thereafter, as and when required for interrogation.

(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.

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Sd/-
18/11/2021

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/ /2021

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

SJI

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

ORDER
IN
CRL OP(MD) No.17971 of 2021
Date :18/11/2021

SP/PN/SAR II/26/11/2021/3P/5C