



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

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.17673 of 2019

Karthi

... Petitioner/Accused-2

Vs

State rep.by,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.45/2019).

... Complainant/Respondent

For Petitioner : Mr.D.Balamurugapandi,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.45/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C., in Crime No.45 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The learned Government Advocate(Crl. Side) pointed out that the petitioner's earlier petition was dismissed on 03.09.2019 and that there is no change in circumstance.

4. Though the objections of the learned Government Advocate (Crl. Side) are having considerable substance, I am constrained to take an indulgent view for more than one reason. The first accused caused the main injury, that is, stabbed on the chest of the victim.



He is no more. The petitioner had only inflicted injury on the shoulder.

5.The petitioner's counsel states that they are unable to trace the whereabouts of the victim. It appears that the petitioner's sister was given in marriage to the victim and that he went abroad and developed extra marital relationship. Since he was refusing to rejoin the petitioner's sister, the occurrence had taken place. The motive for the occurrence can be understood.

6.Therefore, I am inclined to show an indulgent view. The First Information Report itself was registered way back in April 2019. Almost two years have elapsed. The petitioner states that he would deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.45 of 2019 on the file of the respondent so that the same can be withdrawn by the victim towards medical expenses. This will be without prejudice to the petitioner's defence in the trial.

7.Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, and on his executing 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 condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
01/03/2021

/ 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, PARAMAKUDI,
RAMANATHAPURAM DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3. THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANTHAPURAM DISTRICT.

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

+1. CC to Mr.D.BALAMURUGAPANDI, Advocate SR.No.1582

ORDER

IN

CRL OP(MD) No.17673 of 2019

Date :01/03/2021

PMU

PK/JC/SAR-IV/04.03.2021 : 3P/6C