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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.666 of 2022

N.Elumalai

.. Petitioner

Vs.

The State represented by
The Sub Inspector of Police,
Avalurpettai Police Station,
Melmalayanur Taluk,
Villupuram District.
(Crime No.484 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest in Cr.No.484 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Thilakeswaran
for G.Balamanikandan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 306 of IPC in Crime No.484 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioner and the defacto complainant with regard to fetching of water in the nearby Water Tank, due to which, the petitioner instigated A1 to A3 to assault the defacto complainant's daughter, after they assaulted her, she consumed poison and died. Hence the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is innocent person and he is no way connected in this case. He further submitted that the co-accused were released on bail by the trial Court. He further submitted that the petitioner is a practicing Advocate in High Court from the year 2011 onwards for which, Copy of Enrollment Certificate and Bar Council Identity card. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the one accused is secured and four more accused is yet to be secured.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner is being an Advocate by profession, if he released on bail he may not abscond, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Gingee, on condition that the petitioner shall execute 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 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for an interrogation;

[c] the petitioner shall not tamper with 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 has been imposed and the petitioner is 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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-sd/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILUPPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
AVALURPETTAI POLICE STATION,
MELMALAYANUR TALUK,
VILLUPURAM DISTRICT 604201.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S G.BALAMANIKANDAN Advocate on payment of necessary charges SR.NO.975

CRL OP.666/2022

Date :21/01/2022

RW 31/01/2022