



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10782 of 2022

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THIRUNAVALLUR POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.134 OF 2022.

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

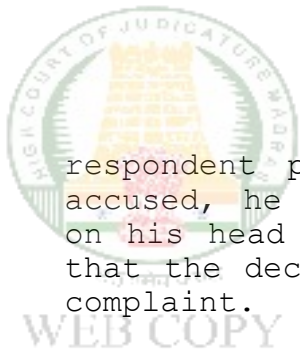
For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent/Police, seeks anticipatory bail. Initially the case was registered as Man Missing and subsequently it was registered for the offence punishable under Sections @ 302, read with Section 201 of IPC in Crime No.134 of 2022.

2. The case of the prosecution is that the de-facto complainant's brother, namely Pandiyan (deceased) was missing on 08.10.2021, and the family members of the deceased searched their neighbours and relatives house. Thereafter, on enquiring about his brother, some of the persons in their locality informed that his brother was having illegal affair with the wife of 1st accused, namely Shiva Shankari. Therefore, the de-facto complainant went to the house of 1st accused and made an enquiry about his brother, however, they have not stated anything properly about his brother. Therefore, he gave a complaint before the respondent police on 19.03.2022. Further, when the



respondent police conducted an investigation and enquired the 1st accused, he gave confession statement that he attacked the deceased on his head with iron rod and murdered the deceased, for the reason that the deceased was having illegal affair with his wife. Hence the complaint.

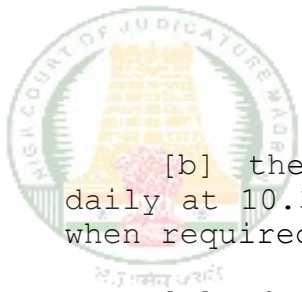
3. The learned counsel for the petitioner submitted that totally there are three accused, and A2 is the petitioner, who is none other than the brother of A1, and since the wife of first accused i.e., Shiva Shankari had illegal intimacy with the deceased, the first accused attacked the deceased with iron rod on his head, due to which, he sustained grievance injuries. Only based on the confession statement given by the petitioner and his sister, who is arrayed as A3, the petitioner has been implicated as an accused. Even according to the confession statement of A2, after murdering the deceased, A1 informed the same to A2 and A3 over phone and they were not present at the time of occurrence and they never helped A1 to bury the body of the deceased. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that according to the prosecution, A2 and A3 helped A1 to bury the body of the deceased, whereas, the first accused informed A2 and A3 only over phone in respect of murdering the deceased. No other material proof is available to show that the petitioner and his sister helped the first accused to bury the body of the deceased. Since the occurrence took place on 08.10.2021 and the F.I.R was registered on 19.03.2022, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Learned Judicial Magistrate-I, Ulundhurpet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/06/2022

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,
NO.I, ULUNDHURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUNAVALLUR POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 9363

CRL OP.10782/2022

Date :08/06/2022

RW-16/06/2022