



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11710 of 2022

1 A.MAARI @ MUTHUMARI [PETITIONERS / ACCUSED]
2 S.IYAPPAN
3 S.DINESH
4 S.SUBRAMANI
5 M.PRABU

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUVALANGADU POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.27/2022.

For Petitioner : M/S M.ASWIN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 302 IPC in Crime No.27 of 2022, on the file of respondent police, seek anticipatory bail.

2. The case of the prosecution is that on receipt of information about an unidentified dead body near Mettu Street, on enquiry, the defacto complainant came to know that when deceased went to one Arul Murugan's house demanding food, they refused to provide food and also instructed to move away from the house. Enraged by their acts, the deceased assaulted Arul Murugan's mother with wooden log, which was questioned by him, and when he had raised huge cry, the villagers gathered together and assaulted the deceased, thereby caused death. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioner are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for respondent would submit that the deceased is an unknown person and there is no specific overtact against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is pertinent to note that the deceased is an unknown person to the village and the deceased started to beat mother of one Arul Murugan, public gathered together and attacked him. It is also to be noted that the deceased was under mental illness and due to injuries sustained by the deceased, he died in the hospital. As far as the petitioners are concerned, they were issued summons for enquiry by the respondent. Therefore, there is no specific overtact in the alleged murder. Considering the said circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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, Thiruttani, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each, who shall be blood relatives of the petitioners, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioners shall not tamper with 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/05/2022

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,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVALANGADU POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S M.ASWIN Advocate on payment of necessary charges
SR.NO.7785

CRL OP.11710/2022

Date :20/05/2022

TA-25/05/2022