



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.12530 of 2022

SIVA @ SIVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
THIRUPATHUR DISTRICT
CRIME NO.512/2021

[RESPONDENT]

For Petitioner : M/S.G.NIRMAL KRISHNAN 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 for the offences punishable under Sections 294(b), 506(ii) and 302 of IPC in Crime No.512 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that petitioner is husband of the deceased, due to a family dispute, there was a wordy quarrel between the petitioner's father and the deceased. While so, the petitioner's father stabbed the deceased using the Aruval and she sustained grievous injuries and died due to heavy blood loss. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is working in Indian Army and at the time of occurrence he was working at Jammu & Kashmir. He further submitted that he is no way connected with the offence. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that according to the case of prosecution, there was a family dispute between the petitioner and the deceased. Due to which, the deceased along with her father went to the house of the petitioner at Vellore and there was a wordy quarrel between the petitioner's father and the deceased. Against which, petitioner's father assaulted the deceased with the Aruval and she sustained grievous injuries and died. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Admittedly the petitioner was not present in the scene of occurrence, whereas the case of the prosecution is that only on the instigation of the petitioner, his father murdered the deceased and there is no evidence to show that the petitioner instigated his father to murder the deceased. In fact, the respondent Police registered a case against the petitioner for offences under Sections 294(b), 506(ii) and 302 of IPC and there is no material proof to attract the accused under conspiracy or abetment. In view of the above, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate III, Thirupathur, 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 report 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 absconds, 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.III, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.NIRMAL KRISHNAN Advocate on payment of necessary charges SR.NO. 8613

CRL OP.12530/2022

Date :08/06/2022

RW-15/06/2022