



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12634 of 2022

R.RAGUL

[ PETITIONER / ACCUSED ]

Vs

STATE OF TAMIL NADU  
REP BY INSPECTOR OF POLICE,  
KOTTUR POLICE STATION,  
TIRUVARUR DISTRICT.  
CRIME NO.90 OF 2022

[ RESPONDENT ]

For Petitioner : M/S.D.MURUGAN Advocate

For Respondent : 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 Section 341, 294 (b), 109, 506(ii) of IPC and later altered into Section 302 of IPC in Crime No.90 of 2022, seeks anticipatory bail.

2.The gist of the case is that on 23.04.2022, one Iyyapan lodged a complaint before the respondent police stating that two years before there was an illegal intimacy between his brother Murugesan and one Rathika, who is the wife of the accused person Suresh. After knowing the illegal intimacy, the said Suresh warned his wife Rathika and she committed suicide. Due to vengeance, the said Suresh along with one Doss and Jayaraman waylaid Murugesan and attacked him with sickle indiscriminately in front of him. Immediately, he was brought to the Hospital and he was declared dead.



3. The learned counsel for the petitioner submits that the petitioner is not a named accused in this case and his name was not mentioned in the FIR. However, Doss/A2 mentioned his name in the confession statement. Hence, apprehending arrest, the petitioner filed this petition.

4. The learned Government Advocate (Crl.side) submitted that in the confession statement of A2, he clearly mentioned that the petitioner was standing along with other accused persons with arms and attacked the deceased. He further submits that the petitioner is having three previous cases, which are grave in nature. The investigation is at crucial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that in the FIR there is no specific overt act attributed against the petitioner. In view of the same, 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 - II, Mannargudi, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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., until further orders.

[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/-

27/05/2022

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,  
NO.II, MANNARGUDI.

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

3 INSPECTOR OF POLICE,  
KOTTUR POLICE STATION,  
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.D.MURUGAN Advocate on payment of necessary charges

CRL OP.12634/2022

Date :27/05/2022

RW-02/06/2022