

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15497 of 2022

1 RAMU
2 ANITHA
3 AMUTHA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
UTHUKULI POLICE STATION,
TIRUPUR DISTRICT.
(CRIME NO.974 OF 2021)

[RESPONDENT]

For Petitioner : M/S.K.SUDHAKAR 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 Section 174 Cr.P.C. @ Sections 323, 355 & 302 of IPC in Crime No. 974 of 2021, seek anticipatory bail.

2. On 22.11.2021, at about 5 p.m. when the *de-facto* complainant/Village Administrative Officer of S.Periyapalayam was on duty, a dead body was reported to be lying in Najarayan Lake near Koolipalayam Nall Road. Immediately, *de-facto* complainant and his assistant went to the lake and found that dead body in the lake. With the help of the village people, took the corpse from the lake and reported to the respondent Police. Thereafter, the respondent Police registered a case under Section 174 Cr.P.C. On investigation, the respondent Police came to know that deceased belong to north India and had entered into the house of one Kumar at about 9.00 p.m. in a half nude manner. Due to which, the said Kumar and other accused are alleged to have attacked the deceased with hand. The nearby people

pacified the issue and sent the deceased from the place of occurrence. The next day morning, the dead body of deceased was taken from the Najarayan lake and said Kumar 's family members were added as an accused because of the alleged occurrence that took place at his house.

3. Even according to the case of the prosecution, the deceased went to the A1 house in drunken mood. The deceased was a north Indian and he had no business to enter into the A1's house. Therefore, all the family members have beaten him and sent him out. Next day, his body was found in the near by lake. A1 to A3 were arrested and later released on bail.

4. According to the case of the prosecution, all the accused persons assaulted the victim and as such, he died. Thereafter, they have thrown the body in the lake. As far as the petitioners herein are concerned, they are wife and two daughters of A1. Except the statement of A1, there is no other materials to connect the petitioners in this crime.

5. Considering the above fact and circumstances of the case, this Court is of the view that custodial interrogation of the petitioners is does not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners 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, Uthukuli, on condition that each of the petitioners shall execute a separate 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, 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. for a period of two weeks and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/07/2022

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,
UTHUKULI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
UTHUKULI POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges
SR.No.10722

CRL OP.15497/2022

Date :05/07/2022

CSK 08/07/2022