



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2255 of 2022

1. Navaneetha Krishnan

2. Shanmuganathan ... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
Cr.No.14/2022.

... Respondent

Kala ... Intervenor/Petitioner/Deceased Wife
in CRL MP(MD) No.4493 of 2022

For Petitioner : M/s. Mariappan.N.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Karunanithi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
288, 337 and 304(2) IPC, in Crime No.14 of 2022, seek anticipatory
bail.

2.The case of the prosecution is that on 27.01.2022 at about
09.15 a.m., one Karthick and 14 others headed by the first
petitioner came to the second petitioner's home for construction and
concrete work, at that time, the southern side of the wall fell down
towards the northern side, due to which, three persons including the
de-facto complainant were injured and one person, namely, Murugan
died on the way to hospital. Hence the complaint.



3. When the matter was taken up for hearing on earlier occasion, the learned counsel for the petitioners submitted that the petitioners are ready to deposit a sum of Rs.2,50,000/- to the legal heirs of the deceased as well as the injured persons.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioners would submit that the petitioners have already paid a sum of Rs.50,000/- to the injured persons and also paid the medical expenses. He would further submit that the petitioners have handed over the demand draft for a sum of Rs.2,50,000/- in favour of Kala, the wife of the deceased.

5. The learned counsel for the intervenor would submit that she has received the said demand draft and that she has no objection for allowing this petition.

6. The learned Government Advocate (Crl. Side) would submit that the petitioners are having no previous case.

7. Considering the facts and circumstances of the case and also taking note of the payments made by the petitioners to the deceased as well as the injured persons and also the fact that the petitioners are not having bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Sattur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am for a period of one month 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]***; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/04/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SATTUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2255 of 2022

Date : 25/04/2022

SS/SVR/SAR:II/29.04.2022 : 3P/5C