



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.04.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.5708 of 2022

1. Murugan
2. Pilavadiyan
3. Sakthivel

... Petitioners/Accused
Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Bodiynayakkanur Town Police Station,
Theni District.
(Crime No.185/2021)

... Respondent/Complainant

For Petitioners: Mr.M.Jerin Mathew Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.185 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 306 IPC, in Crime No.185 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners lent money to the deceased. Thereafter, the deceased was not in a position to repay the money and due to the same, the petitioners had insulted him by removing his dhoti on 17.03.2021. Feeling ashamed of the same, the deceased committed suicide. Hence, the complaint.



3. This is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed by this Court on 24.08.2021 considering the seriousness of the offence.

4. The learned counsel appearing for the petitioners submits that the issue has been amicably settled between the parties and a compromise memo has also been filed to that effect. Based on the compromise memo, a petition in CrI.O.P.(MD)No.9484 of 2021 has been filed to quash the FIR and the same is pending.

5. In view of the subsequent development, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur, 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 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 Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners shall report before respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with the 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/-

06/04/2022

/ TRUE COPY /

/ /2022

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



1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JERIN MATHEW M Advocate SR.No.3062

ORDER
IN
CRL OP (MD) No.5708 of 2022
Date :06/04/2022

SP/SVR/SAR I/13/04/2022/3P/6C