



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12.04.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6493 of 2022

Abdul Rahman

... Petitioner/Accused No.4

Vs

State represented by  
The Sub-Inspector of Police,  
Ervadi Dharga Police Station,  
Ramanathapuram.  
(Crime No.29 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.R.Senthilkumar,  
Advocate.

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

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

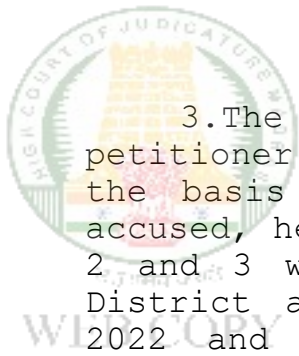
PRAYER :-

For Anticipatory Bail in Crime No.29 of 2022 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioner/A.4, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 IPC, in Crime No.29 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant's daughter were in love, that the defacto complainant's daughter came to know that the first accused tried to marry another girl and that when the same was questioned by the defacto complainant's daughter, the accused 2 and 3, who are the parents of the first accused, scolded her in filthy language and refused to perform the marriage, due to that, the defacto complainant's daughter consumed poison and died. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner's name does not find place in the FIR and that only on the basis of the confession said to have taken from the first accused, he was implicated. He would further submit that the accused 2 and 3 were already granted anticipatory bail by the Principal District and Sessions Judge, Ramanathapuram in CrI.M.P.No.360 of 2022 and that the first accused was released on bail by the Principal Sessions Court yesterday.

4.No doubt, the earlier application for anticipatory bail filed by the petitioner in CrI.O.P.(MD)No.4512 of 2022 was dismissed as withdrawn by this Court vide order dated 23.03.2022.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost completed.

6.Considering the above facts and circumstances and also the facts that the petitioner was implicated only on the basis of the confession given by the first accused, that the accused 2 and 3 were already granted anticipatory bail, that the first accused was already released on bail and that investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar 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 one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

12/04/2022

/ 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,  
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
RAMANATHAPURAM DISTRICT.

3 THE SUB INSPECTOR OF POLICE  
ERVADI DHARGA POLICE STATION, RAMANATHAPURAM.

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

+1 CC to MR.R.SENTHIL KUMAR, Advocate (SR-3277[I] dated 12/04/2022)

ORDER

IN

CRL OP(MD) No.6493 of 2022

Date :12/04/2022

CSM

MK/VR/SAR.IV/20.04.2022/3P/6C