



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD). No.7494 of 2022

WEB COPY

Vennila @ Devi

... Petitioner/Accused No.9

Vs

State Rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai District
(Crime No.104 of 2022).

... Respondent/Complainant

For Petitioners : Mr.S.Sankar, Advocate.
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.104 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 364, 294(b), 302, 506(2) IPC in Crime No.104 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that daughter of the first accused and the son of the deceased were in love and they got married without the knowledge of both side parents. They both are belong to different communities. The marriage was opposed by the girl's family. Therefore, the accused persons decided to do away the life of the deceased Ramachandran and his son. Therefore, they took the deceased in an auto along with them and the first accused cut the throat of the deceased. Thereby committed the murder. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner herein was not travelled with the Accused Nos.1,2,4 and 6 in the auto and committed the murder and the petitioner herein was not available in the scene of occurrence. Based on the confession statement of the accused persons, the petitioner was implicated in this case. The petitioner herein was in custody for more than 60 days.



4.The learned Additional Public Prosecutor would submit that investigation is pending and not yet completed. There is some specific overt act as against the petitioners herein and they had conspiracy with the main accused person to do away the deceased.

5. Considering the facts of the case and considering the fact that the petitioner was not available in the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the Judicial Magistrate Court No.V, Madurai, on condition that the petitioner shall execute a 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 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 report before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter, as and when required;

(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 petitioners 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]***; and

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

sd/-

11/05/2022

/ TRUE COPY /

13/05/2022

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.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI CITY, MADURAI.

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

+1 CC to M/s.S.SANKAR, Advocate (SR-4583[I] dated 11/05/2022)

ORDER

IN

CRL OP(MD) No.7494 of 2022

Date :11/05/2022

RS/PN/SAR.2 (13.05.2022) 3P-6C