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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.11818 of 2022

1. Thangiah
2. Siva

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.219 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Anand R,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.219 of 2021 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 Section 174 of Cr.P.C @ Sections 294(b), 323, 506(ii) and 306 IPC, in Cr.No.219 of 2021, seek anticipatory bail.

2.The case against the petitioners is that the deceased Raja was a drunkard and on 26.04.2021, he brought 21 coconuts and broken the same on a kuthukal nearby bus stop in the opposite of the petitioners' shop, due to that, the petitioners physically assaulted the deceased, for which, the deceased consumed poison and thereafter, died on the hospital on 03.05.2021.

3.On the side of the petitioners, it is stated that the petitioners are innocents and the petitioners are not the reason for the deceased to consume poison and prayed the petitioners to be released on anticipatory bail.



4. On the side of the prosecution, it is stated the deceased was a mentally retarded person and he was a drunkard and he was admitted in the hospital on 27.04.2021 and thereafter, he died on 03.05.2021.

5. Considering the submissions made by both sides and on considering the fact that the deceased was a mentally disordered person and he was a drunkard, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of 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, Valliyoor, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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;

(iv) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

07/09/2022

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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,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ANAND, Advocate (SR-9845[I] dated 09/09/2022)

ORDER
IN
CRL OP(MD) No.11818 of 2022
Date :07/09/2022

SJI
MK/VR/SAR.II/22.09.2022/3P/6C