



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 16/11/2022

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.13026 of 2022

Manoharan @ Manohar

... Petitioner/Accused No.1

Vs

The Sub Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
Cr.No.50/2022.

... Respondent/Complainant

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

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.50 of 2022 on the file of the respondent police.

ORDER: The Court Made the following order:

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C @ Section 306 IPC, in Crime No.50 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.When the matter was taken up for hearing on 29.07.2022, this Court passed the following order:

"This is the second anticipatory bail application that was filed by this petitioner on the ground that the co-accused have been released on bail by this Court in Crl.O.P.(MD) No.9721 of 2022. However, considering the overt act that has been attributed against this petitioner, the anticipatory bail application that was filed by this petitioner along with the co-accused came to be dismissed

insofar as this petitioner is concerned. According to him,



from the date of occurrence, now 5 months time is all over and by this time, major portion of the investigation is over.

2. Let the petitioner appear before the respondent police and cooperate with him to complete the process of investigation.

3. List this case on 18.08.2022 to inform the Court about the development. Meantime, there shall be an interim protection to the petitioner."

3. This petitioner along with other accused moved Crl.OP(MD) No.9721 of 2022, seeking anticipatory bail. At that time, the learned counsel for the petitioner submitted that except this petitioner, other accused person may be considered for anticipatory bail. Considering the same, accused Nos.2 to 9 were granted anticipatory bail by this Court.

4. After the above said dismissal order, this petition has been filed by the petitioner on the ground that several months have lapsed from the date of registration of FIR, major part of investigation is over and this petitioner will also co-operate with the investigation.

5. As already discussed, it is a dispute between the children and step children of one Rasu. There is continuous trouble between them. As pointed out by the learned counsel for the petitioner, investigation might have been completed by this time, whereas, it is submitted on the side of prosecution that the investigation is not yet completed.

6. Considering the fact that the FIR has been registered in the month of April, 2022, more than 6 months lapsed and no effort has been taken by the investigating officer to complete the investigation process. Hence, this Court is inclined to grant anticipatory bail to the petitioner/A1 with the following conditions:

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thirumayam, 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 learned Magistrate concerned and the petitioner shall stay at Trichy and appear before the Judicial Magistrate No.1, Trichy until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. Further, the petitioner is directed to file an undertaking affidavit before the trial Court and he will not cause any trouble to the defacto complainant.



8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
3. THE JUDICIAL MAGISTRATE NO.1, TRICHY
4. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
5. THE SUB INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION,
PUDUKKOTTAI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-13144[I] dated
16/11/2022)

ORDER
IN
CRL OP(MD) No.13026 of 2022
Date :16/11/2022

RK/BUC/SAR-1 (21/11/2022) 3P/8C