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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14348 of 2022

Gowtham

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
Crime No.159 of 2022..

... Respondent/Complainant

For Petitioner : Mr.M.Vivek Kumar , Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

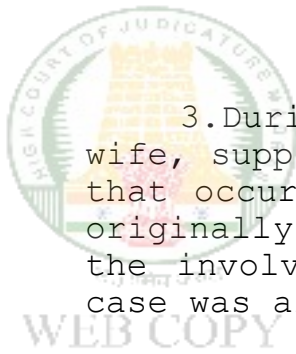
PRAYER :-

For Anticipatory Bail in Crime No.159 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 Sections 307 @ 201, 302 I.P.C, in Crime No.159 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused is the father and the second accused is the brother of the deceased and there was dispute between the first accused and deceased, over the marriage proposal of the deceased. On 28.04.2022 at about 08.00PM, again trouble arose between the parties. The first accused caused severe assault with grinding stone (mk;kpf;fy;) and the deceased was taken to Thirupparankundram Governemnt Hospital for first aid and then shifted to Madurai Rajaji Government Hospital. Without responding to the treatment, the deceased died.



3. During the above said treatment, at the instigation of his wife, suppressing the real facts, the first accused gave a statement that occurrence took place due to accidental fall. Hence, case was originally registered under Accidental Fall. During investigation, the involvement of accused persons came to light and subsequently case was altered into Sections 201, 302 IPC.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Co-accused was already enlarged on bail. Hence, prays to release him on anticipatory bail.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is the brother of the deceased and the accused persons suppressed the real fact and gave a false complaint before the Police. On investigation, the offence committed by the accused persons came to light.

6. Considering the nature of offence, overt act attributed against the petitioner, the petitioner is not having any bad antecedent and the father has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.6, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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.

sd/-
01/09/2022

/ TRUE COPY /

08/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.



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

+1 CC to M/s.M.VIVEK KUMAR, Advocate (SR-9404[I] dated 01/09/2022)

ORDER
IN
CRL OP(MD) No.14348 of 2022
Date :01/09/2022

pnm
PKP/VR/SAR-2/08.09.2022/3P/6C