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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14567 of 2022

1. P.Meivelraj

2. K.Samyraj

3. M.Shunmugaraj @ Shumugaraja

... Petitioners/Accused Rank No.5 to 7

Vs

The State rep.by,
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.630/2020).

... Respondent/Complainant

For Petitioners : M/s.Ramanathan.B,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

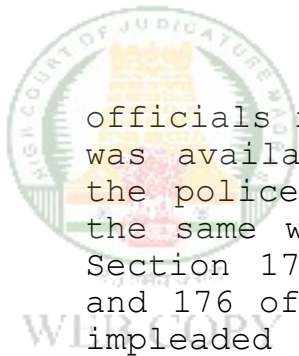
PRAYER :-

For Anticipatory Bail in Crime no.630/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C @ 304 and 176 of IPC, in Crime No.630 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the property situated in Survey No.805/1, Puduthukudi Village, belongs to the second accused, namely, Velladurai and the land was leased to the first accused and he putting the electric fence around the property for the purpose of preventing the Big to enter his premises. On 09.12.2022, the



officials received the information that one Magesh died and was available in the second accused's premises. Without informing the police officials, the body was taken to the burial ground and the same was buried, over which, a case has been registered under Section 174 of Cr.P.C and thereafter altered into Sections 304(b) and 176 of IPC. During the course of enquiry, 7 persons have been impleaded as accused and the petitioners were arrayed as accused Nos. 5 to 7. The specific allegation against the petitioners is that without informing the Police and the Revenue Officials they conducted the funeral ceremony.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor(Crl.Side) appearing for the respondent submits that no previous case is pending against the petitioners.

5.Considering the facts and the circumstances of this case and also the limited role that has been alleged played by these petitioners this Court is inclined to grant anticipatory bail to the petitioners, however, with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate Court, Theni, and on their executing 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 learned Magistrate concerned; and the petitioners shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-

12/08/2022

/ TRUE COPY /

/08/2022

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

TTA

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



TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3. THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S. RAMANATHAN B Advocate SR.No.8620

ORDER

IN

CRL OP(MD) No.14567 of 2022

Date : 12/08/2022

RK/JM/SAR-IV (30/08/2022) 3P/6C