



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14906 of 2022

WEB COPY

1.Balakrishnan

(Wrongly mentioned in FIR as Balu)

2.Vairamani

... Petitioners/Accused No.2 & 3

Vs

State Rep.by

The Inspector of Police,

Sivagangai Taluk Police Station,

Sivagangai District.

Crime No.177/2022.

... Respondent/Complainant

For Petitioners : Mr.R.Balamuruganantham, Advocate.

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

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

PRAYER :-

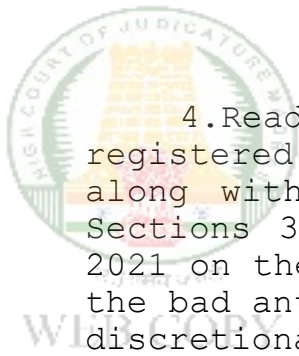
For Anticipatory Bail in Crime No.177 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 294(b), 427 and 506(2) IPC in Crime No.177 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant had some illegal intimacy with the wife of the 1st accused, over which the 1st accused murdered the wife. On 09.08.2022 at about 02.00 pm., when the defacto complainant was travelling in an auto, the accused persons came there, caused damage to the auto and also criminally intimidated him, over which the present FIR has been registered.

3.The learned Government Advocate (Crl.side) for the respondent would submit that over the aforesaid previous enmity, the present occurrence said to have taken place and the 1st petitioner is having previous bad antecedents in Crime No.363 of 2021. Insofar as the 2nd petitioner is concerned, he is having 4 previous cases also.



4. Reading of the list shows that all those cases have been registered under the protest that has been made by the 2nd petitioner along with others and the 1st petitioner is facing charges under Sections 394(b), 323, 324, 326 and 506(ii) IPC in Crime No.363 of 2021 on the file of the Sivagangai Taluk Police Station. Considering the bad antecedents of the 1st petitioner, he is not entitled for the discretionary relief of anticipatory bail. Hence, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone.

5. Accordingly, this Criminal Original Petition is allowed and the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magisterial Court No.2, Sivagangai, Sivagangai District, on condition that the 2nd 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 2nd petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The 2nd petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The 2nd 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 shall stand dismissed. Insofar as the 1st petitioner is concerned, this petition stands dismissed.

sd/-

18/08/2022

/ TRUE COPY /

/09/2022

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.

To

- 1 THE JUDICIAL MAGISTRATE NO.2,
SIVAGANGAI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.



CRL OP(MD). N



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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-8682[I] dated
18/08/2022)

WEB COPY

ORDER

IN

CRL OP(MD) No.14906 of 2022

Date :18/08/2022

MM

RS/PN/SAR.4 (02.09.2022) 3P-6C