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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.10.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.15575 of 2022

Jeyaveeraraj

... Petitioner/Accused No.3

Vs.

State rep.by
The Inspector of Police,
Sindhupatty Police Station,
Madurai, Madurai District.
(Crime No.285 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Prasanna Rajadurai, Advocate.

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

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

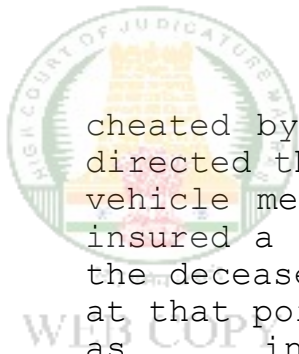
PRAYER :-

For Anticipatory Bail in Crime No.285 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 IPC, in Crime No.285 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.11.2021, the defacto complainant lodged a complaint stating that his son was roving on previous day night without sleep, that on 24.11.2021 early morning as he was not found in the bed and on search, he was rescued near kanmai karai in unconscious manner and while he was taken to hospital, he died on the way, that they have found a letter, dated 17.11.2021 allegedly written by the deceased stating that he was



cheated by Ifco Tokkyo Insurance Company Officials, that though he directed them to insure his vehicle from bumper to bumper, after his vehicle met with an accident, he came to know that they have only insured a normal insurance, that the first accused is a relative of the deceased and he was working in the Ifco Tokkyo Insurance Company at that point of time, that the petitioner/third accused was working as in-charge of the body shop and accessories in the Express Motor Company. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused 1 and 2 were already arrested and released on bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the charge sheet has already been filed and the case was taken on file in P.R.C.No.2845 of 2022 and that the learned Magistrate has ordered summons for the appearance of the accused 1 and 2 and issued NBW as against the third accused.

5.Considering the facts and circumstances of the case and considering the facts that the co-accused were already granted bail, that the charge sheet has already been filed and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the committal Court at 10.30 am on all working days.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/ petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
20/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

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

+1. CC to M/S.PRASANNA RAJADURAI A Advocate SR.No.11750

ORDER
IN
CRL OP(MD) No.15575 of 2022
Date :20/10/2022