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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16608 of 2022

1. Jayalakshmi

2. Maruthanthan

... Petitioners/Accused No.5&6

Vs

The State rep.by,
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District
(Crime No. 198 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Balaji A,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

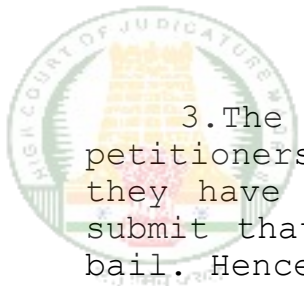
PRAYER :-

For Anticipatory Bail in Crime No.198 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 342, 302, 109 and 506(ii) IPC in Crime No.198 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the son of the deceased and A2 is the wife of A1 and A3 and A4 are the sons of A1. Due to family dispute between A1 and the deceased, at the instigation of these petitioners, A1 along with A2 to A4 murdered the deceased. Hence, the case was registered against the petitioners.



3.The learned counsel for the petitioners would submit that the petitioners were not at all present in the scene of occurrence and they have been falsely implicated in this case. He would further submit that A1 to A4 and A7 were already arrested and released on bail. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the investigation has been completed and the charged sheet has already been filed before the concerned Court and no previous case is pending against the petitioners. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused has already been arrested and released on bail and the charged sheet has already been filed before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on condition that the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

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

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/10/2022

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/11/2022

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

SJI

TO

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

+1 CC to M/s.A.BALAJI, Advocate (SR-11987[I] dated 27/10/2022)

ORDER
IN
CRL OP(MD) No.16608 of 2022
Date :27/10/2022

RK/SBN/SAR-2 (07/11/2022) 3P/6C