



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

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

CRL OP(MD). No.16917 of 2022

Rathinasamy

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
(Crime No.144 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

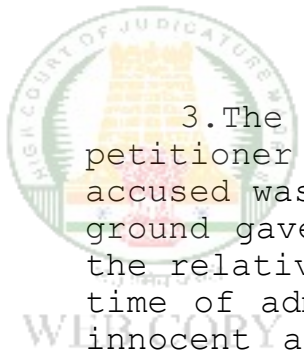
PRAYER :-

For Anticipatory Bail in Crime No.144 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 201 of IPC, in Crime No.144 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 24.01.2022, the first accused, namely, Soundramani, W/o.Subramani was admitted in the hospital for delivery. The petitioner made his signature as the husband of the first accused. After delivery, the first accused went along with the child from the hospital without informing the Doctor. Hence, a case was registered in Crime No.47 of 2022 under the caption of Woman missing and born baby male missing. During the course of investigation, it was found that the original name of the first accused is Sakunthalamani and she is a widow and she developed illegal intimacy with the petitioner. Out of the intimacy, she begot a male child and thereafter, she threw the child in the well situated at Appanuthu Village.



3.The learned counsel for the petitioner would submit the petitioner is a driver by profession. On the date when the first accused was admitted in the hospital, the petitioner on the humanity ground gave vehicle assistance to her and he made his signature in the relative column of the form, since no one accompanied her at the time of admission. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and the petitioner shall abide any condition imposed by this Court.

4.The learned Government Advocate(Crl.Side) would submit that based on the confession statement given by the first accused, this petitioner was implicated and the first accused has already been arrested and thereafter, released on bail and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the co- accused was enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is directed to pay a sum of **Rs.5,000/- (Rupees Four Thousand only) to the credit of Dispensary, Madurai Bench of Madras High Court operated by the Registrar (Admin), (Account No:-6960810645, IFSC Code:- IDIB000H040, Indian Bank)**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, 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, Palani, 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 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/09/2022

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

COPY TO

- 1 THE REGISTRAR (ADMIN),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE OFFICER INCHARGE, DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.LENIN KUMAR T, Advocate (SR-10348[I] dated 22/09/2022)

ORDER IN

CRL OP(MD) No.16917 of 2022

Date : 21/09/2022

CP

RS/SBN/SAR.1(26.09.2022) 3P-8C

<https://www.mhc.tn.gov.in/judis>