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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

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

CRL OP (MD) . No.18893 of 2022

1. Sargunam
2. Manikandan
3. Bala

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.552 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 552 of 2022 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 Section 174(3) Cr.P.C @ 306 IPC, in Crime No.552 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners attacked the deceased with sepal in a public place and the same was induced him to Commit suicide by hanging himself in his house. Hence, the complaint.



3.The learned counsel for the petitioners would submit that due to previous enmity, a false case was foisted against the petitioners and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused have granted bail by the learned Principal Sessions Judge, Thanjavur on 13.10.2022.

4.The learned Government Advocate(Crl.Side) would submit that the accused persons went to the TSMACC shop, at that time, the deceased Senthilkumar, who has also came there for consuming liquor and also damaged the glass of TATA ACE vehicle, belongs to the petitioners and having aggrieved over the same, the accused persons attacked the deceased. Thereafter, the elder's of the village pacified the matter, again a dispute arose between them in the TASMAC Shop, at that time, the petitioners attacked the deceased with sepal and the same was inducing him to commit suicide. He would further submit that no previous case is pending against the petitioners and the co-accused have already granted bail by the learned Principal Sessions Judge, Thanjavur. However, he strongly opposed to grant anticipatory bail to the petitioners as the investigation is not yet completed.

5.Considering the facts and circumstances of the case and the grant of bail to the co-accused, 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, Pattukkottai, 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 learned Magistrate concerned and on further conditions that:

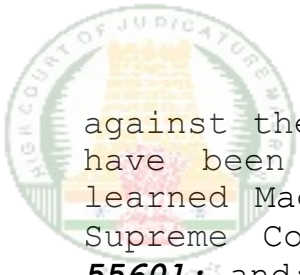
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
09/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANANDAN B Advocate SR.No.12796

ORDER
IN
CRL OP(MD) No.18893 of 2022
Date :09/11/2022

SP/SSS/SAR III/22/11/2022/3P/6C