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CRL OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

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

CRL OP(MD)No.20760 of 2022

Karuppiyah

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Bodinayakanur Rural Police Station,
Bodinayakanur, Theni District.
(Crime No.274/2022).

... Respondent/Complainant

For Petitioner : M/s.Karunanidhi R, 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.274 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 109 of I.P.C, in Crime No.274 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, the first accused and his wife Karpagam were living separately. The land property patta stands in the name of the first accused and his wife Karpagam. Hence, the first accused insisted his wife to sell his property, but she refused to sell the same. In these circumstances, on 19.09.2022, the first accused went to his wife's house and killed her on the instigation of his brothers. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the land broker and he is also a third party in this case. He would further submit that petitioner is not beneficiary to the said land transaction. He is an innocent person and he did not commit any offence as alleged by the prosecution. However, the



petitioner shall abide any condition imposed by this Court. he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that this is the third anticipatory bail application and the co-accused were already released on bail and anticipatory bail. He would further submit that the offence is very serious in nature and investigation in this case is still pending. Hence, he strongly opposed to grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of charges levelled against the petitioner and also the fact the co-accused were already granted bail and anticipatory, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakanur, Theni District, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/11/2022

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/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE, BODINAYAKANUR, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, BODINAYAKANUR RURAL POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-13715[I] dated
25/11/2022)

ORDER

IN

CRL OP(MD) No.20760 of 2022

Date :24/11/2022

CP

RS/SSS/SAR.1(01.12.2022) 3P-6C