



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

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

CRL OP(MD) . No.21132 of 2022

Devi

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.346 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.346 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 174 of IPC @ 302 of IPC, in Crime No.346 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 25.06.2022, when the defacto complainant and her daughter were returned from their neighbors shop, they found that one Kaliyamoorthy had lying on the bed, on suspicious, they tried to wake up him and thereafter, they came to know that the said Kailiyamoorthy had died and also found that there was a rope mark on the neck of the deceased. Hence, the present complaint.



3.The learned counsel for the petitioner would submit that the petitioner is the daughter of the deceased, at the time of occurrence, she was in advance stage of pregnancy. Now, she delivered a baby. He would further submit that the petitioner is innocent and she has been falsely implicated in this case. Further, investigation in this case has been completed and the first accused was arrested and thereafter, released on bail and the petitioner shall abide any condition imposed by this Court. Hence, he may granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the deceased is the father of the petitioner and wife of the first accused. Due to illegal intimacy with another girl, the accused persons murdered the deceased. He would further submit that investigation in this case has been completed and charge sheet has also been filed before the learned Judicial Magistrate, Melur and the same was taken on file in P.R.C.No.50 of 2022 and the case is pending committal stage.

5.Considering the facts and circumstances of the case and considering the facts that co-accused was already released on bail, investigation has been completed and the case was taken on file as P.R.C.No.50 of 2022 on the file of the learned Judicial Magistrate, Melur and also the case is pending committal stage, this Court is inclined to grant bail to the petitioner on 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, Melur, 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 concerned committal Court on all hearing dates without fail;

[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/-
30/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

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

+1. CC to M/S.ILAYARAJA R Advocate SR.No.14023

ORDER
IN
CRL OP(MD) No.21132 of 2022
Date :30/11/2022