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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4363 of 2023

Vairamuthu

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.469 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Venkatesh C,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

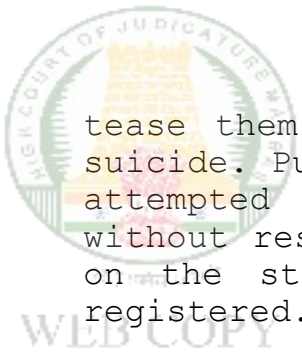
PRAYER :-

For Anticipatory Bail in Crime No.469 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 306 of I.P.C., in Crime No.469 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Mahalingam, is that he got married to one Suppulaakshmi, during the year 2012 and they have two children. While so, the said Suppulaakshmi had developed illicit intimacy with one Murugan/A1 and the de-facto complainant had requested Murugan to sever the relationship. Whenever the de-facto complainant used to pass through the road, the accused Murugan and his friends used to tease him saying that he is infirm. He informed the same to his younger brother and he had also rebuked the friends of Murugan not to tease the de-facto complainant. While so, on 24.10.2022 when he was going to take bath along with his brother, the accused persons had once again teased them and also removed the dhoti of his brother. They also once again



tease them, assaulted them and also abetted his brother to commit suicide. Pursuant to which, on the same day, his younger brother had attempted suicide, by self-immolation. He was taken to hospital, without responding to the treatment his younger brother died. Based on the statement of the de-facto complainant, a case has been registered.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the accused persons teased the deceased and after removing his dhoti. Therefore, he got humiliated and committed suicide by way of self-immolation. The other accused persons have already been arrested and released on bail.

5.Considering the above facts and circumstances of the case, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Srivilliputhur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[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].



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

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE
NO.II, SRIVILLIPUTHUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VENKATESH C Advocate SR.No.3657

ORDER

IN

CRL OP (MD) No.4363 of 2023

Date :07/03/2023

SS/SAR III/15/03/2023/3P/6C