



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2023

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PRESENT

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

CRL OP(MD) . No.5029 of 2023

1. Eswari,

2. Rajendiran,

3. Vanitha,

... Petitioners/Accused Nos. 4 to 6

Vs

State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
Cr.No.71/2023.

... Respondent/Complainant

For Petitioners : M/s.Joel Paul Antony A, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 71/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 to A6 who apprehend arrest at the hands of the respondent police for the offence punishable under section 302 of IPC in Crime No. 71 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a quarrel between two group of students studying X standard in Government Higher Secondary School, Balasamuthiram, Trichy District in which one persons felt unconscious and died, hence the case came to be registered.

3. Heard both side and perused the materials available on record including the First Information Report.



4. There are totally six accused in this case . Even according to the case of prosecution there were two groups of students studying in X standard in Government Higher Secondary School, Balasamuthiram, Trichy District. In the quarrel both of group attacked each other and in the said quarrel one student got fainted and died. In so far as the petitioners are concerned A4 is the Head master of the school, A5 is the class teacher and A6 is another teacher. The allegation against the petitioners is that they never prevented the students from fighting. Further there is no evidence to show that at the time of occurrence the petitioners were present at the place. Further it is seen that at the time of occurrence there was quiz program conducted in the same school and there were no one in the class room. That apart there is no specific overt act attributed as against the petitioner to attract the offence under section 302 of IPC, hence custodial interrogation of the petitioners may not be required in this case. Taking into consideration of the facts and circumstances of the case , this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thottiyam, Trichy District 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 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:

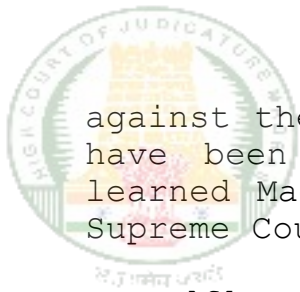
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall respond to police daily at 6.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

[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].

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

sd/-

17/03/2023

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/03/2023

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

AAV

TO

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

+1. CC to M/S.JOEL PAUL ANTONY A Advocate SR.No.4463(I) dt:
17.06.2023

ORDER

IN

CRL OP(MD) No.5029 of 2023

Date :17/03/2023

PKP/MMS/SAR-2/27.03.2023/ **3P/6C**