



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2023
PRESENT

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

CRL OP(MD) . No.5024 of 2023

B.Sankar,

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No. 32 of 2023.

... Respondent/Complainant

For Petitioner : V.M.Jegadeesha Pandian,
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. 32 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147,148,120(B),341 and 302 of IPC in Crime No. 32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the son of the defacto complainant was working in his uncle's shop at Karaiyurupu Village. While so the deceased and one Mutharasi daughter of A8 had intimacy and they both eloped and settled in Ooty. The said Mutharasi was already married to A9. Due to some difference of opinion the said Mutharasi went with the deceased. Due to which there was some enmity. While on 24.01.2023 the deceased came to the native place for kodai festival and on the next day at about 11.30 a.m., the deceased went to Bazar at Thalaiyuthur by his two wheeler and when he was returning the accused persons against the two wheeler of the deceased and attacked him brutally. The deceased fell unconscious and died on the spot, 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 11 named accused in this case. The petitioner herein is arrayed as A12. Ever according to the case of prosecution the brother of A3 conspired with other accused to do away the life of the deceased. Further 11 other persons were arrested and remanded to judicial custody. In so far as the petitioner is concerned no specific overt act has been attributed. It is also seen that wife of A9 eloped with the deceased, due to which there was enmity between them. The other accused persons have brutally attacked the deceased due to which he sustained injuries and died. However there is no specific overt act even for conspiracy. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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.III, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 am., and 5.30 pm for a period of six 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].



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CRL OP(MD).



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

sd/-
17/03/2023

/ TRUE COPY /

/03/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.III,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to V.M.JEGADEESHA PANDIAN Advocate SR.No.4661

ORDER

IN

CRL OP(MD) No.5024 of 2023
Date :17/03/2023

SA/MMS/SAR.1/27.03.2023/3P/6C