



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5318 of 2023

1. Mallika
2. Sakkanan
3. Kilaviyammal

... Petitioners/Accused No.1,3 & 4

Vs

The State rep. through,
The Inspector of Police,
Kattanoor Police Station,
Viruthunagar District.
in Crime No.3/2023.

... Respondent/Complainant

For Petitioners : Mr.A.Vadivel,
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.3/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 174 of Cr.P.C @ 306 of IPC in Crime No. 3 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to some dispute between the first petitioner and the deceased the deceased committed suicide, hence the case.



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

4. There are totally four accused in this case and the petitioners herein are A1, A3 and A4. Now the first petitioner was arrested and remanded to judicial custody. In so far as the petitioners 2 and 3 are concerned they are father of mother of A2 and they have nothing to do with the alleged offence. Taking into consideration the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners 2 and 3 , with certain conditions:

5. Accordingly, the petitioners 2 and 3 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, Thiruchuli 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 2 and 3 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 2 and 3 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.



6. Since the first petitioner was arrested and remanded to judicial custody, the petition stands dismissed as against the first petitioner.

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

AAV

TO

1. The Judicial Magistrate, Thiruchuli.
2. Do through the Chief Judicial Magistrate,
Viruthunagar District.
3. The Inspector of Police,
Kattanoor Police Station,
Viruthunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.VADIVEL, Advocate (SR-4691[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.5318 of 2023

Date : 23/03/2023

NA/CG/SAR-4/27.03.2023/3P/6C