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CRL OP(MD).



23

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

Date : 28/03/2023

PRESENT

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

CRL OP(MD) . No.5758 of 2023

Murugathevar

... Petitioner/Accused Rank
Not Known

Vs

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

... Respondent/Complainant

For Petitioner : M/s. 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.32/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/All 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 deceased Raja and one Mutharasi had intimacy and they eloped and settled in Ooty. The said Mutharasi already got married with A9. Due to difference of opinion the said Mutharasi went with the deceased, hence the accused and 9 had vengeance against the said Veliyappan @ Durai.

<https://www.mca.gov.in/8dis>



While so on 24.01.2023 the deceased had come to the native place for kodai festival and on the next day he went to Bazaar in his two wheeler and while he was returning the accused persons had dashed against his two wheeler, surrounded him and indiscriminately attacked him and caused his death, hence the case.

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

4. It is seen that there are totally 12 accused in this case in which the petitioner herein is arrayed as A11. The petitioner has been implicated in this case under 120(B) of IPC. The case of the prosecution is that wife of A9 and daughter of A8 eloped with the deceased. When the deceased had come back to his native place for celebrating kodai festival, all the family members conspired together to do away the life of the deceased, hence they surrounded the deceased and attacked him brutally, therefore he sustained injuries and died. So far as the petitioner is concerned he is the elder brother of A8 whose daughter eloped with the deceased. Even according to the case of prosecution the petitioner has no specific overt act except the alleged conspiracy. The prosecution has failed to produce any material to connect the petitioner with the other accused in the crime. That apart one of the similarly placed co-accused was granted anticipatory bail by this Court. In view of the same, 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 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 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 FIR can be registered under Section 229A IPC.

sd/-
28/03/2023

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

AAV

TO

1. Judicial Magistrate No.III, Tirunelveli.
2. Do through the Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police, Thalaisyuthu Police Station, Tirunelveli District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5758 of 2023
Date : 28/03/2023

NA/CG/SAR-4/31.03.2023/3P/5C