



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

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PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8605 of 2023

R.Pandi @ Pandiyan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Bodinayakkanur Police Station,
Bodinayakkanur Taluk,
Theni District.
(Crime No.57 of 2023)

... Respondent/Complainant

For Petitioner : Mr.H.Velavadhas, Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.57 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under section 174 of the Code of Criminal Procedure altered to Section 306 of IPC in Crime No.57 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had purchased the property of the defacto complainant's husband 12 years ago for a sum of Rs.3,00,000/-. Though the said sum was returned by the defacto complainant's husband to the first accused with interest, the first accused sold the property to the second accused and threatened the defacto complainant's family to leave the house, due to which, the defacto complainant committed suicide on 17.06.2023. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is the second accused and the first accused was already granted anticipatory bail by the learned Vacation Sessions Judge, Theni on 04.05.2023.

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4. The learned Government Advocate on instructions would submit that civil suit is pending between the parties.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been granted anticipatory bail and civil suit is pending between the parties, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur 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 to 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 conditions 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 two 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 is 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



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/05/2023

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/05/2023

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

MBI
TO

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

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-7368[I] dated 12/05/2023)

ORDER
IN
CRL OP(MD) No.8605 of 2023
Date :10/05/2023

PKP/CG/SAR-1/16.05.2023/ **3P/6C**