



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/06/2023
PRESENT

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

CRL OP(MD) . No.9453 of 2023

1. Muthuramalingam,

(*)2. Ayyanar @ Ayyankalai

(*)3. Rajangam @ Rajkumar

4. Muthurakku,

5. Radhakrishnan,

6. Ashok Kumar,

... Petitioners/Accused 2 to 7

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivaganngai District.
Crime No.178 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Sathish Kumar.K,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : M/s. Solaichamy
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.178 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A7 who apprehend arrest at the hands of the respondent police for the offences punishable under section 306 of I.P.C in Crime No. 178 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 21.05.2023 the defacto complainant heard that her husband consumed poison near graveyard, hence the case.



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

4. The learned counsel appearing for the defacto complainant would submit that the deceased was under humiliation because of the threat and torture given by the petitioner. He further submitted that the deceased committed suicide because of the inducement given by the petitioner, hence he objected to grant bail to the petitioner.

5. It is seen that there was civil dispute between the petitioner and the victim. The victim is none other than the brother of the first petitioner. Due to wordy quarrel he committed suicide by consuming poison. Further there is no evidence available to show that soon before the death there is no instigation/abetment to him to commit suicide. Further the first accused has specific overt act and even according to the defacto complainant these petitioners are not having any specific overt act. Taking into consideration all the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. 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, Manamadurai, 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:

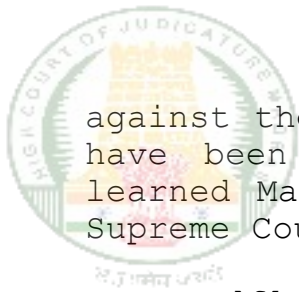
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall 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 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 imposed 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/-

01/06/2023

(*) AMENDED AS PER ORDER OF THE COURT DATED 20/06/2023 in CRL MP(MD) No.8688 OF 2023 in CRL OP(MD) No.9453 of 2023)

FURTHER TWO WEEKS TIME IS GRANTED TO THE PETITIONER TO COMPLY WITH THE CONDITIONS IMPOSED BY THIS COURT FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER AS LAST CHANCE.

/ TRUE COPY /

/06/2023

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

AAV

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 01/06/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
MANAMADAURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHISH KUMAR.K Advocate SR.No.7911

**ORDER
IN**

CRL OP(MD) No.9453 of 2023
Date :01/06/2023

SA/VR/SAR. /02.06.2023/3P/6C

SS/06/07/2023/3P/6C

<https://www.mhc.in.gov.in/judis>