



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/06/2023
PRESENT

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

CRL OP(MD) . No.9926 of 2023

N.Porchezhiyan,

... Petitioner/Rank not known

Vs

The State rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.214/2023.

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.214/2023 on the file of the respondent police.

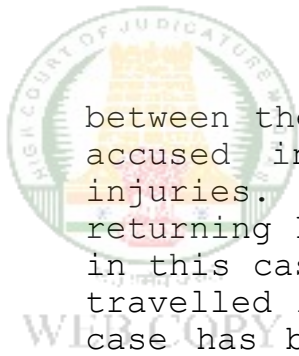
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 IPC in Crime No.214 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the husband of the de-facto complainant namely Raja and his brother. On 24.04.2023, the de-facto complainant's brother in-law/A1 came in the house in a drunken mode and attacked the defacto complainant. Hence, the said Raja went to the police station, during that time, the Sub-Inspector of Police ill-treated the said Raja and advised him to solve the family property dispute amicably. Due to the said mental agony, the said Raja committed suicide on 28.04.2023 in front of the respondent police station.

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

4. The petitioner was working as a Special Sub Inspector of Police in the respondent police station. There was civil dispute



between the first accused and the deceased, due to which the first accused sustained injuries. The deceased saw his wife in the hospital and after returning home from the hospital in the bus where the fifth accused in this case who is none other than the brother of the first accused travelled in the same bus and there was a wordy quarrel for which a case has been registered before the respondent police and as such the deceased was called for enquiry and statement was also recorded on 27.04.2023 and on the next day the deceased came to the police station and in front of the police he poured kerosene and set himself ablaze. Immediately he was taken to hospital where he died.

5. The learned Additional Public Prosecutor produced the Dying Declaration it reveals that on the complaint lodged by the daughter of the first accused in this case, he was called for enquiry, where his dress was removed due to which he got humiliated and committed suicide.

6. The learned counsel for the petitioner would submit that the deceased was none other than the suspended jail warden, therefore he got humiliated and quarrelled with his family members. He was given full respect in the police station and during enquiry the deceased himself removed his dress and got into the cell and his statement was also recorded. After enquiry they closed the complaint against the deceased. Even then he in order to get publicity had poured kerosene on his own and set ablaze.

7. Taking into consideration all the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

8. 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 is made ready, before the learned Judicial Magistrate, Lalgudi 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., for a period of four weeks and thereafter as and when required for interrogation.



[c] the petitioner shall not tamper with evidence or either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[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/-

08/06/2023

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/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.THALAIMUTHARASU.G Advocate SR.No.8374

ORDER

IN

CRL OP(MD) No.9926 of 2023

Date :08/06/2023

SA/VR/SAR. /13.06.2023/3P/6C