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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2023

PRESENT

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

CRL OP(MD). No.10491 of 2023

T.Srinivasan

Kadaneri, Watrap,.

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(In Crime No.42 of 2023).

... Respondent/Complainant

For Petitioner : M/s.N.Mariappan,
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.42 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 306 and 506(1) of I.P.C. and Section 4 of TNPHW Act 2002, in Crime No.42 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner came to the house of the de-facto complainant and demanded the instalment amount and abused the de-facto complainant's mother in filthy language and also threatened him with dire consequences. Over which, the de-facto complainant poured kerosene and set fire on her own. Hence, the case.



3.Heard. Perused the materials available on including the First Information Report.

4.The petitioner lend money to the de-facto complainant's mother and asked for interest from the victim. Therefore, the victim set fire on her own. Though the victim has been discharged from the hospital, subsequently, she succumbed to the injuries. Hence, the F.I.R is altered under Sections 294(b), 306 and 506(1) of I.P.C. and Section 4 of TNPHW Act 2002.

5. Though the petitioner was granted anticipatory bail in Crl.O.P.(MD)No.5428 of 2023, by an order dated 23.03.2023, before altering the F.I.R, the petitioner failed to produce mention Section 306 of I.P.C.

6.Taking into consideration of the facts and circumstances of the case, 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 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.II, Sattur, 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 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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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14/06/2023

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

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TO

1.THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-8922[I] dated 16/06/2023)

ORDER
IN
CRL OP(MD) No.10491 of 2023
Date :14/06/2023

RK/BUC/SAR- (22/06/2023) 3P/6C