



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/06/2023
PRESENT

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

CRL OP(MD) . No.10517 of 2023

Sivasubramaniya Pillai @ Mohan, ... Petitioner/Accused (A2)

Vs

The State rep.by
The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
Crime No.55 of 2023.

... Respondent/Complainant

For Petitioner : M/s.BABU JAGANATH R,
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.55 of 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 offences punishable under sections 341,294(b),307 of IPC @ 341,294(b)and 302 of IPC in Crime No. 55 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.02.2023 at about 4.30 pm., due to previous enmity the accused persons jointly attacked the husband of the defacto complainant using stick, due to which he fell down and he was admitted in the hospital and subsequently on 21.02.2023 he died, hence the case.

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

4. It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A2. The deceased suspecting the petitioner that he had stolen the tarpaulin belonging to the



deceased. Thereafter the deceased went to the house of the petitioner and attacked him, hence the petitioner sustained injuries. On seeing the said occurrence, A1 who is none other than the son of the petitioner came there and rescued. The petitioner had attacked the deceased with centering stick on his head immediately the deceased fell down and sustained injuries. Initially the case was registered for the offence under section 307 of IPC and subsequently it was altered to section 302 of IPC. Even according to the case of the prosecution he sustained injuries on the attack of the deceased. Now A1 was arrested and remanded to judicial custody and subsequently released on bail, which was not brought to the knowledge of the Court on the earlier application. 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:

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, Boothapandi,, Kanyakumari District 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 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/-

15/06/2023

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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,
BOOTHAPANDI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BABU JAGANATH R Advocate SR.No.8751

ORDER

IN

CRL OP(MD) No.10517 of 2023

Date :15/06/2023

SA/VR/SAR. /20.06.2023/3P/6C