



CRL OP(MD)No.15228 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.08.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.15228 of 2023

N.Sathaiya,

... Petitioner/ Accused No.2

Vs

The State Represented by its
Inspector of Police,
CBCID - South
Pudukkottai District.
(Crime No.2/2023)..

... Respondent/ Complainant

For Petitioner : Mr.V.R.Shanmuganathan
Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police



CRL OP(MD)No.15228 of 2023

WEB COPY

for the offences punishable under Section 306 of IPC in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence and he has been falsely implicated in the case. Already co-accused were released on bail and anticipatory bail. Already this petitioner filed two applications and the same were dismissed. The petitioner is suffering from stroke and he is taking treatment and investigation was almost completed by the police. The FIR were registered on 24.01.2023 and on 26.01.2023. Already main accused was arrested and released on bail. Therefore, the petitioner may be granted anticipatory bail.

3.The learned Government Advocate (Crl.Side) appearing for the respondent filed detailed counter stating that there is suicide note as against the petitioner and the offences are grave in nature. This petitioner is close associate of A1 and close relative of A5 who are main accused in this case. In this case, more than Rs.50 lakhs is involved and so far, no money was recovered from anybody and investigation is still pending. Some of the accused are yet to be arrested. This petitioner is also directly involved in the offence. Already the petitioner has filed two anticipatory bail petitions and the same were dismissed and there is no change of circumstances. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



CRL OP(MD)No.15228 of 2023

4. Heard both side and perused the materials available on record.

WEB COPY

5. Considering the rival submissions on either side and considering the fact that already main accused was released on bail and also considering the date of registration of the First Information Report, considering that already anticipatory bail was granted to co-accused and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. 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, Pudukkottai 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Inspector of Police, CBCID-South, Pudukkottai daily at 10.00 A.M. until further orders.

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

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial



CRL OP(MD)No.15228 of 2023

WEB COPY

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].

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

sd/-

23/08/2023

/ TRUE COPY /

/08/2023

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

MRN

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
PUDUKKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CBCID-SOUTH, PUDUKKOTTAI DISTRICT.



CRL OP(MD)No.15228 of 2023

WEB COPY

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

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-12754[I] dated
24/08/2023)

ORDER
IN

CRL OP(MD) No.15228 of 2023
Date :23/08/2023

PKP/DD/SAR- /28.08.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023