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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15571 of 2023

Ramachandran

... Petitioner/Sole Accused

Vs

State through,
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli.
Cr.No.68/2022.

... Respondent/Complainant

For Petitioner : M/s. Rameshkumar.S,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr.No.68/2022 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 174(3) of Cr.P.C.@ 336,304 of IPC in Crime No.68 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the land and on 12.04.2022 the wife of the defacto complainant by carrying her child aged about 1 ½ years tried to clean the land, at that time due to electrocution the child was thrown away and the wife of the defacto complainant died,hence the case.

3.The learned counsel for the petitioner would contend that the on the date of occurrence there was heavy rain and due to heavy rain the occurrence said to have taken place and the petitioner is no way connected with the alleged occurrence, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that on 12.04.2022 the wife of the defacto complainant by carrying her child aged about 1 ½ years tried to clean the land, at that time due to electrocution the child was thrown away and the wife of the defacto complainant died. He would further submit that the investigation has been completed, however he objected to grant anticipatory bail to

the petitioner

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



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

6. Considering the rival submissions on either side and considering the fact that the investigation was almost completed and also considering the nature of offence and other aspects this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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, Cheranmahadevi 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 respondent police 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.

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[d] 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].

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

sd/-
28/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S. S. RAMESH KUMAR Advocate SR.No.12979

ORDER
IN
CRL OP(MD) No.15571 of 2023
Date :28/08/2023

SSA/VRS/30.08.2023/5P/5C

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