



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.16958 of 2023

1. Mariappan @ Tappamariappan,
2. Sudali,

... Petitioners/ Accused 3 & 4

Vs

The State represented by
The Inspector of Police,
Pettai Police Station, Pettai,
Tirunelveli City,
Tirunelveli District.
Crime No. 421 of 2023.

... Respondent/Complainant

For Petitioners : M/s Veerapandi.S.P,
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.421 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4 who apprehend arrest at the hands of the

respondent police for the offences punishable under Sections 341,307,294(b), 506(2) of



IPC @302 of IPC in Crime No.421 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution there was a dispute between the accused and the defacto complainant, hence on 13.08.2023 when the brother of the defacto complainant was coming in a two wheeler at that time A1 and A2 abused him in filthy language and also attacked him with aruval. Further they also criminally intimidated the brother of the defacto complainant. He was admitted in the hospital and later he died, hence the case came to be registered.

3. The learned counsel appearing for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are parents of A1 and A2 and they were not present in the scene of occurrence and no specific overt act has been attributed against them, hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that initially the case was registered for the offence under Section 307 of IPC and thereafter due to the injuries sustained by the victim he died, hence the case has been altered to section 302 of IPC. Further the petitioners herein who are parents of A1 and A2 had only instigated these accused to commit the murder. He would further submit that the investigation is at the preliminary stage and the first



petitioner is having so many previous cases, hence he strongly objected to grant anticipatory bail to the petitioners.

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 first petitioner is having so many previous cases and investigation is not yet completed this Court is not inclined to grant anticipatory bail to the first petitioner. Considering the fact that no specific overt act has been attributed as against the second petitioner and he has not directly participated in the occurrence this Court is inclined to grant anticipatory bail to the second petitioner alone, subject to the following conditions:

7. Accordingly, the second 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.V, Tirunelveli on condition that the second 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.



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

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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.

8. As regards the first petitioner the petition stands dismissed.

sd/-
20/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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3 THE INSPECTOR OF POLICE
PETTAI POLICE STATION,
PETTAI, TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-13937[I] dated 21/09/2023)

ORDER
IN
CRL OP(MD) No.16958 of 2023
Date :20/09/2023

SS/GB/22/09/2023/5P/6C

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