



CRL OP(MD)No.18470 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18470 of 2023

Harish

... Petitioner/ Accused No.2

Vs

State rep. by
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
In Crime No.190 of 2023

... Respondent/ Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.190 of 2023 on the file of the Respondent Police.



CRL OP(MD)No.18470 of 2023

WLB COPY
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 IPC in Crime No.190 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter was studying M.D. and she was staying in college hostel. She used to speak with her parents over phone. On 06.10.2023, she did not call her parents and it was informed that her room was locked for a long time. Thereafter, the door was broke opened and they found the deceased being dead. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation in this case is pending.

5.Considering the facts and circumstances of the case and taking into



CRL OP(MD)No.18470 of 2023

WEB COPY

consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent resident at Thoothukudi District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate Court No.2, Padmanabhapuram on condition that the petitioner shall execute a own bond for a



CRL OP(MD)No.18470 of 2023

sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall report before the trial Court on summons.

[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].



CRL OP(MD)No.18470 of 2023

WEB COPY

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

sd/-
13/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

1. The Judicial Magistrate Court No.2,
Padmanabhapuram.
2. Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD)No.18470 of 2023

ORDER
IN
CRL OP(MD) No.18470 of 2023
Date :13/10/2023

SSA/DD/18.10.2023/6P/5C

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