



CRL OP(MD). No.19439 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Palpandiyan,

... Petitioner/ Accused No.5

Vs

**State Rep.by
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
Cr.No.91/2023.**

... Respondent/ Complainant

**For Petitioner : M/s.Karunanidhi.R, 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.91/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 307 r/w 109 IPC @

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147, 294(b), 341, 302 r/w 109 IPC in Crime No.91 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 31.08.2023 at about 07.00 p.m., the petitioner and other accused unlawfully assembled, abused the de-facto complainant and her husband in filthy and on the instigation of A2 to A8, A1 stabbed the de-facto complainant's husband on his neck and caused grievous injuries to him. The de-facto complainant's husband was succumbed to death while getting treatment in the hospital. Hence, the case. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is shown as A5 in this case. He would further submit that as per the allegation of the First Information Report, the first accused alone stabbed the deceased in consequence, he died. Though the petitioner was present at the time of occurrence, there is no overt act attributed against this petitioner and he has been falsely implicated in this case and he is now working as a Government School Teacher in Nadar Mahamai Higher Secondary School at Elayarampannai, Virudhunagar District. He would further submit that the investigation is completed and all the other accused were granted on bail. If the petitioner is arrested, he will lose his job and his family will suffer, hence, he prayed for anticipatory bail to the



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petitioner.
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4.The Additional Public Prosecutor appearing for the respondent would submit that in this case investigation is completed. The specific allegation against the accused/Kannan is that he alone stabbed the deceased with knife and the other accused persons including this petitioner were present at the time of occurrence. Based upon the confession statement, the petitioner has been implicated in this case. Charge sheet is yet to be filed. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. On perusal of the First Information Report, it is noticed that at the time of occurrence, ie., on 31.08.2023 at about 07.00 p.m., all the accused persons formed into an unlawful assembly, abused the de-facto complainant and her husband and the accused Kannan assaulted the de-facto complainant's husband with knife, as a result, he died and there is no specific overt act attributed against the petitioner in this case. Based upon the confession statement, his presence was noted and implicated in this case. Investigation is completed. Admittedly, the petitioner is working as a Government School Teacher in Nadar Mahamai Higher Secondary School at Elayarampannai, Virudhunagar District.

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7. Considering the nature of the allegation and in the absence of any overt act attributed against this petitioner and also taking into consideration the fact that the petitioner is being working as a teacher and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8. 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 Court No.2, Sattur, Virudhunagar 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 appear before the trial Court on the 1st working day of every english calender month at 10.00 a.m., until further orders;



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[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/-
01/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.2
SATTUR, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH :
<https://www.mhc.tn.gov.in/judis>



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THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

- 3 THE INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-15835[I] dated 02/11/2023)

ORDER
IN
CRL OP(MD) No.19439 of 2023
Date :01/11/2023

PKP/JGB/SAR- /06.11.2023/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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