



CRL OP(MD)No.21937 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.21937 of 2023

Chelliah

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.359 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.SIVABALAN, Advocate
for Mr.G.ARAVINTHAN, 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.359 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 363, 368, 302, 120B, 109 IPC in Crime No.359 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant



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was missing from 12.07.2020 and on 15.07.2020 he was given treatment in GH, Palayamkottai and discharged on 07.08.2020. Subsequently, on 12.08.2020 he died.

Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that no postmortem was conducted and there is no material to implicate the petitioner herein as an accused. Hence, he seeks anticipatory bail.

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

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain 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.III, Tirunelveli 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



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shall stand dismissed and on further condition that:

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[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 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].

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

sd/-
19/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to Mr.ARAVINTHAN G Advocate SR.No.17997 DT.19/12/2023

ORDER IN
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Date :19/12/2023

SA/VR/SAR. /02.01.2024/4P/6C

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