



CRL OP(MD). No.22231 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Kannan,

2. Chithiraivadivu,

... Petitioners/ Accused Rank Not Known

Vs

**The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.233/2023..**

... Respondent/ Complainant

For Petitioners : M/s.Swarnam J.Rajagopalan,Advocate.

For Respondent : Mr.Rms.Sethuraman,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.233/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / accused, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 294(b), 324, 307 and 506

(ii) IPC @ 302 IPC in Crime No.233 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute between the family members, the petitioners herein have attacked the defacto complainant and caused death injuries. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence he seeks anticipatory to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that both the petitioners and the deceased are relatives and the investigation of the case has been completed and the charge sheet was filed before the concerned Court.

5. On perusal of the FIR, it is noticed that the petitioners and deceased are



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relatives and the defacto complainant is wife of the deceased and the petitioners herein were arrayed as accused based on the confession of co-accused. At the time of occurrence, the petitioners were present along with other relatives and there is no specific overt act attributed against the petitioners.

6. Considering the nature of allegations made against the petitioners and also 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 and the nature of the offence alleged by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No. I, Srivaikundam, Thoothukudi District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned,

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failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that :

[a] the petitioners shall affix his photograph 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 petitioners shall appear before the trial Court on receipt of summons as directed by the trial Court.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners 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].



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

sd/-
11/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22231 of 2023
Date :11/12/2023

PKP/JGB/SAR- /19.12.2023/ 5P/5C
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