



CRL OP(MD) No.1197 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1197 of 2024

MARIAPPAN

... PETITIONER / ACCUSED No.4

Vs

**THE INSPECTOR OF POLICE
AVIYUR POLICE STATION,
VIRUNDHUNAGAR DISTRICT.
(CRIME NO.149 OF 2023)**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.JEGADEESH PANDIAN.M Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public prosecutor

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO. 149 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioner/ A4, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Sections 147, 294(b), 324, 307 of IPC altered into Section 147, 294(b), 324, 447 and 302 of IPC, in Crime No.149 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the deceased. The deceased frequently made a call to the wife of A1. This was informed by her to A1. Hence, A1 warned the deceased. Even thereafter, the deceased continued to make call to wife of A1. Due to which, on 20.11.2023, at about, 09.45 p.m, the petitioner along with A1 and the other accused persons abused the deceased in filthy language and attacked him with wooden log and forced him to consume poison. The deceased was taken to the Government Medical College Hospital, Virudhunagar. Hence, the defacto complainant made a complaint before the Law Enforcing Agency. Initially, the case was registered for the offence under Sections under Sections 147, 294(b), 324, 307 of IPC. Since the deceased died on 26.11.2023, it was altered into Sections 147, 294(b), 324, 447 and 302 of IPC.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is A4 in this case and he is aged about 62 years. He simply went along with the other accused persons and



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questioned the act of the deceased against wife of A1. Except that, no other allegation is made against the petitioner in the confession statement of A1. Further, this Court already granted bail to A1 to A3 in Crl.OP(MD)No.23165 of 2023, granted bail to A6 in Crl.OP(MD)No.23167 of 2023 on 04.01.2024 and also granted bail to A5 in Crl.OP(MD)No.952 of 2024 on 22.01.2024, Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State submitted that the petitioner and the other accused persons forced the deceased to consume poison. The investigation is in crucial stage. Except the petitioner, all the accused were arrested and released on bail. The Deputy Superintendent of Police is the relative of the petitioner. In order to secure the petitioner, the Deputy Superintendent of Police, went to the petitioner's house and prevented the arrest of the petitioner. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that all the co-accused are released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen



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days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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
<https://www.mhc.tn.gov.in/judis>



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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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2024

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

DSS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
AVIYUR POLICE STATION,
VIRUNDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-1215[I] dated 31/01/2024)

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ORDER
IN

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Date :29/01/2024

PKP/JGB/SAR /31.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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