



CRL OP(MD) No.3131 of 2024

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3131 of 2024

M.MARISAMY

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
RAJAPALAIYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CR. NO.61/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SURESH MANICKAM.S, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (CrI. Side)

For Intervener : MR.S.MURUGAPANDI, Advocate

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.61/2024 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



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the alleged offence under Section 174 Cr.P.C @ Section 305 IPC, in Crime No.61 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son, namely, Sreelayam, was studying 10th standard at AKTR Boys High School at Rajapalayam, Virudhunagar District and the petitioner is working as Science Teacher in the said School. The petitioner teased the son of the defacto complainant and scolded him before the co-students and thereby, he committed suicide. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that since the board examination is nearing, the petitioner has warned the defacto complainant's son to pursue the studies, in front of the other students and therefore, fixing the responsibility on the petitioner is not sustainable one. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor submits that the petitioner is the teacher and he insulted the defacto complainant's son in front of the other



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students and thereby, he committed suicide. Hence, he prays for dismissal of this petition.

5.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case and the fact that the petitioner has performed his duties as Teacher in warning the students to prepare the Board examination, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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

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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 their 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 their 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 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;



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

sd/-
28/02/2024

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/03/2024

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

ssb

TO

1.THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE
RAJAPALAIYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-2506[I] dated 29/02/2024)

ORDER
IN

CRL OP(MD) No.3131 of 2024
Date :28/02/2024

RK/GS (11/03/2024) 5P / 6C

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