



CRL OP(MD) No.3404 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3404 of 2024

1 ABITH RAJA

2 NATHIYA

3 RABIK

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.354/2023

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN, 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.354/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for

the alleged offence punishable under Section 174(3) Cr.P.C., altered into Sections 302,

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



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201 IPC in Crime No.354 of 2023, seek anticipatory bail.

2.The case of the prosecution is that A1 and the daughter of the defacto complainant are husband and wife and their marriage was performed in the presence of the elders and there was matrimonial dispute in between them. When A1 tried to have physical relationship with his wife, she refused for the same and due to which, A1 committed murder the deceased. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that A1 gave confession before the Village Administrative Officer by accepting the guilty and there is no averments as against the petitioners herein. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that A1 in this case gave extra-judicial confession before the Village Administrative Officer and as per the confession, he only committed murder of the deceased.

5.On perusal of extra-judicial confession given by A1 reveals that he only committed murder of the deceased and in the complaint there is no allegations as against the petitioners herein. Therefore, this court is inclined to grant anticipatory



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bail to the petitioners with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru 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 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 petitioners 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 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 petitioners 1 & 3 shall report before the respondent police daily at 10.30 am., until further orders and the second petitioner shall report before the respondent police as and when required;

(d) the petitioners shall not tamper with evidence or witness either during

investigation or trial;

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(e) the petitioners 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 petitioners 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]; and;

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

sd/-
04/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.



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3 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2694[I] dated 04/03/2024)

ORDER
IN
CRL OP(MD) No.3404 of 2024
Date :04/03/2024

PKP/GS/SAR /11.03.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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