



CRL OP(MD)No.7626 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.7626 of 2024

1.Muthuramalingam
2.Palavesakkannu

... Petitioners/ Accused Nos.1 & 4

Vs

The Sub Inspector of Police,
Eral Police Station,
Thoothukudi District.
(In Crime No.79 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.R.Anand
for Mr.V.Angusamy

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For Intervenor : Mr.S.Sivaprakash

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

PRAYER :-

Criminal Original Petition filed under Section 438 of Cr.P.C. For Anticipatory Bail in Crime No.79/2024 on the file of the Respondent Police.



CRL OP(MD)No.7626 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 195(A) and 506(ii) IPC in Cr.No.79 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's brother was murdered by some persons and a case was also registered in Cr.No.118 of 2023. After completion of investigation, final report has also been filed in S.C.No.64 of 2024 before the Additional District Court No.I, Thoothukudi. The accused persons have threatened the defacto complainant not to depose against them in the said murder case. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocents persons and they did not commit any offence as alleged by the prosecution. Further, he submits that the defacto complainant's brother is having 16 cases to his credit and on account of the same, he was murdered on 03.08.2023. In the said case, investigation has been completed and charge sheet has also been filed and the case is now pending for framing of charges. The allegation as against the petitioners is that they went to the house of the defacto complainant and also threatened him. The learned counsel disputed the presence of the petitioners in the occurrence place. Therefore, this Court directed the respondent Police to ascertain

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



CRL OP(MD)No.7626 of 2024

the same from the tower locations of the petitioners' mobile phones.

WEB COPY

4.It appears that the respondent Police has not collected any materials so far.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. The petitioners are expected to surrender their mobile phones to the respondent Police. The respondent Police shall conduct investigation and find out the tower location of the petitioners at the relevant point of time.

6.Accordingly, this criminal original petition is allowed and 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 No.II, Srivaikundam on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivaikundam and on further conditions that:

- i. The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address.
- ii. The petitioners shall appear before the respondent police daily at 10.30 am until further orders. He has to co-operate for the



CRL OP(MD)No.7626 of 2024

WEB COPY

investigation.

- iii. The petitioners are directed to file an affidavit of undertaking before the respondent Police that they will not disturb the defacto complainant in future.
- iv. The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioners shall be available for the trial as well.
- v. On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
28/06/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



CRL OP(MD)No.7626 of 2024

TO COPY

- 1.The Judicial Magistrate No.II,
Srivaikundam.
2. Do Through:
The Chief Judicial Maigstrate,
Thoothukudi District.
- 3.The Sub Inspector of Police,
Eral Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD)No.7626 of 2024
28.06.2024

SL(08.08.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.