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CRL OP NO.4453 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4453 of 2025

Chelladurai

Petitioner

Vs

State Rep By,
The Inspector Of Police
Gudimangalam Police Station,
Thirupur District
(Cr.No 132 of 2023)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No.132 of 2023 pending
on the file of the respondent police.

For petitioner : Mr.D.Magesh
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 174 of
Cr.P.C. Altered @ 302 of IPC in Crime No.132 of 2023, on the file of the
respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 20.05.2023, the defacto complainant's husband went missing; that thereafter the body of the deceased was found inside a well; that a case was registered initially under Section 174 of Cr.P.C. and later altered to Section 302 of IPC, on the basis of the final opinion by the Doctor, which revealed that the deceased was strangled to death.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the son-in-law of the deceased; that he has nothing to do with the alleged offence; that the deceased had accidentally fallen into a well and that since the respondent have sent summons to him unnecessarily, the petitioner apprehends arrest.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner submitted that as of now there is a strong suspicion as against the petitioner; that there was a property dispute between the petitioner and the deceased; that the daughter of the deceased and the petitioner had



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a matrimonial dispute.

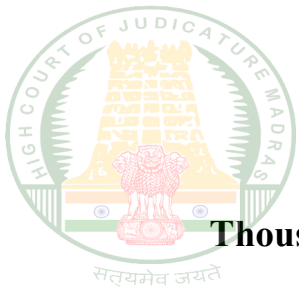
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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. The alleged occurrence is said to have taken place in the year 2023. The respondent have not so far collected any definite evidence to prove the complicity of the petitioner.

7. Considering the aforesaid facts and the nature of the allegation, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and hence, is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner 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 on which the order copy made ready, before **the Judicial Magistrate Court II, Udumalaipet** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten**



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

[a] the petitioner and the sureties shall affix their photographs 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 petitioner shall report before the respondent police every day at 10:30 a.m., until further orders;

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

[d] the petitioner 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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To

1.The Inspector Of Police
Gudimangalam Police Station,
Thirupur District
(Cr.No132 of 2023)

2.The Judicial Magistrate II, Udumalaipet

3.The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.

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