



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1255 of 2015

1 REJI
2 THANGA NADAR
3.RAJAM

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
KOTTRIKODU POLICE STATION, KANYAKUMARI DT,
CRIME NO.47/2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.KISHORE Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

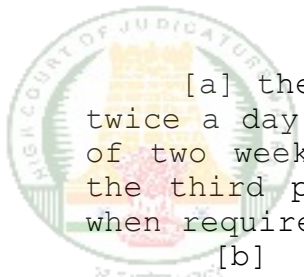
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 Sections 174 and 306 of the Indian Penal Code, in Crime No.47 of 2014 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner got married to the deceased - Punitha in the year 2009 and they have two children through the wedlock. On 01.04.2014, the deceased committed suicide by self-immolation. Initially, a case was registered under Section 174 of the Code of Criminal Procedure and thereafter, an enquiry by the Revenue Divisional Officer was conducted. In the report of the Revenue Divisional Officer, it has been clearly stated that the deceased did not die due to dowry harassment and therefore, no charge under Section 304(B) of the Indian Penal Code has been made against these petitioners and they have been charged under Section 306 of the Indian Penal Code.

3. Taking into consideration of the above, this Court inclined to grant anticipatory bail to the petitioners. 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, Padmanabhapuram, Kanyakumari District, on condition that the petitioners 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 learned Magistrate concerned and on further condition that:



[a] the petitioners 1 and 2 shall report before the respondent police twice a day at 10:30 in the morning and 06:30 in the evening for a period of two weeks and thereafter as and when required for interrogation and the third petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

sd/-
27/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,PADMANABHAPURAM KANNIYAKUMARI DISTRICT.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANNIYAKUMARI AT NAGERCOIL.

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE SUB INSPECTOR OF POLICE
KOTTRIKODU POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S.C.KISHORE Advocate SR.No.3390

ORDER
IN
CRL OP(MD) No.1255 of 2015
Date :27/01/2015

RG.28/01/2015 2P.6C.