



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

Monday, the Twelfth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19689 of 2015

1 NAGARAJ
2 ASOTHAI

..PETITIONERS/ACCUSED NO.2 AND 3

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
KARIYAPATTY POLICE STATION,
VIRUDHU NAGAR DISTRICT.
CRIME NO. 185/2015

... RESPONDENT/COMPLAINANT

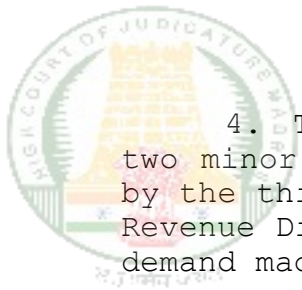
For Petitioners : M/S.S.THIRUNAVUKARASU Advocate
For Respondent : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 174 of Cr.P.C., subsequently altered to 304(b) of I.P.C., in Crime No.185 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The prosecution case is that the first accused married the daughter of the de-facto complainant viz., Vairalakshmi and during the wedlock, they have two children. She was provided with 6 ½ sovereigns of jewel at the time of marriage and the first accused, who has become addicted to alcohol, sold the jewels and also demanded further dowry from the de-facto complainant. So, a complaint was given before the All Women Police Station, Arupukottai which was registered in CSR.No.365 of 2012 and the matter was compromised at the intervention of their well wishers and on 26.04.2015, the deceased has gone to the matrimonial home and on the same day, she committed suicide by pouring herself with kerosene and setting ablaze.

3. The learned counsel for the petitioners submitted that the first accused was arrested and he is in judicial custody and after the filing of this petition, the second accused/first petitioner was arrested on 08.10.2015. It is further submitted that there is no specific overt act attributed against the third accused and the complaint was registered by All Women Police Station, Arupukottai only against the first accused.



4. The learned Government Advocate (Crl.side) submitted that two minor children aged about 8 years and 6 years are taken care of by the third accused / second petitioner and as per the report of the Revenue Divisional Officer, the deceased committed suicide due to the demand made by the accused.

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5. However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions and the petition against the first petitioner/A2 is dismissed as infructuous. Accordingly, the second petitioner/A3 is ordered to be released on bail in the event of her arrest or on her appearance before the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District and on her executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

12/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE SUB INSPECTOR OF POLICE
KARIYAPATTY POLICE STATION,
VIRUDHU NAGAR DISTRICT.

+1. CC to M/S.S.THIRUNAVUKARASU Advocate SR.No.60362

Akm/15.10.2015 /2p-6c/

ORDER

IN

CRL OP(MD) No.19689 of 2015

Date :12/10/2015