



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

Wednesday, the Twenty Fifth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21502 of 2014

WEB COPY

1 PALANISAMY
2 KAMAYAMMAL
3 CHELLAPANDI

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
KANNIVADI, DINDIGUL DISTRICT.
CRIME NO.184 OF 2014

... RESPONDENTS/COMPLAINANT

For Petitioner : M/S.N.SATHISH BABU Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
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 Section 174 Cr.P.C., @ 306 IPC in Crime No.184 of 2014, on the file of the respondent police, seek anticipatory bail.

2. On 20.01.2015, this Court granted interim anticipatory bail to the petitioners and passed the following order:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 306 IPC in Crime No.184 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the defacto complainant and the learned Government Advocate (Crl.side) appearing for the State.

3. The learned Government Advocate has filed a status report wherein it is stated in paragraph Nos.2 and 3 as follows:

'I humbly submit that on 27.10.2014 one Pandi S/o Virumandi lodged a written complaint, the brief fact of the complaint is that his sister Vanaja's marriage was took place before 15 years, she gave birth to one male aged about 14 years and one female



WEB COPY

aged about 13 years. The husband of his sister was died 2 years before. So she hardly to run her day to day life. So she asked her husband's property share from the Father, Mother and brother of her husband. But they have not taken any effect. So the above said Vanaja lodged a complaint before the All Women Police Station, Ottanchathiram Police Station. The parents of her husband made assurance to make arrangement of the share to her after election. But they have not come forward to enforce their promise. So she was not able to pay the school fees and not full fill the daily needful. In the result Vanaja and her child Praveena committed suicide by consuming poison. The above said Vanaja and Praveena died at Rajaji Government Hospital, Madurai.

I humbly submit that after received the complaint a case was registered under Section 174 Cr.P.C. in Crime No.184 of 2014. The body was sent to post-mortem. After register the FIR, the rough sketch observation makajar well prepared. The 161(3) Cr.P.C statement also recorded from the witnesses. The enquiry report also prepared before the panchayat."

4. On 8.1.2015 this Court directed the respondent police to make investigation and report to this Court as to who is taking care of the child by name Prakash born to Vanaja and Pandi. The respondent police produced a letter from Seva Ashramam Trust, Coimbatore, wherein it has been stated that the child Prakash is in orphanage from 6.6.2014 and he is left by the first petitioner Palanisamy.

5. The Inspector of Police who is present before this Court represents that the child is being taken care by Palanisamy, the first petitioner herein. This Court is of the opinion that it will serve the best interest of justice if the petitioners are directed to deposit a sum of Rs.2,50,000/- (Rupees two lakhs and fifty thousand only) in the name of Prakash in any nationalized bank. The said amount shall be deposited within a period of four weeks from today. So that it would accrue interest and when Prakash attains age of majority it will be useful for defraying his educational expenses. In the meantime, the petitioners shall take care of the needs of Prakash without demur.

6. Considering the facts and circumstances of the case, I am inclined to grant interim anticipatory bail to the petitioners."

3. Today, the first petitioner has filed an affidavit and also enclosed a deposit receipt for Rs.2,50,000/- (Rupees Two Lakhs and Fifty thousand only) in the name of P.Prakash with State Bank of India, MSRM Nagar, Kannivadi Branch. Palanisamy has also stated, in



paragraph No.4 of the affidavit, as follows:

"I respectfully submit that, I only taking care of my grandson and whenever my grandson have got holidays, he used to come to my residence and stay with me. I and my family members are hereby undertakes that we will taking care of my grandson P.Prakash with utmost care and concern."

4. Under such circumstances, interim anticipatory bail already granted by this Court on 20.01.2015 is made absolute. The sureties furnished by the petitioners earlier shall hold good till the conclusion of the case. However, the petitioners have to appear before the respondent police as and when required for interrogation.

sd/-

25/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION, KANNIVADI,
DINDIGUL DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.SATHISH BABU Advocate SR.No. 8711
ORDER
IN
CRL OP(MD) No.21502 of 2014
Date :25/02/2015

NA/26/02/2015/P3/6C