WEB COPY

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

Tuesday, the First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22693 of 2015

ASOTHAI ... PETITIONER/ ACCUSED NO.3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 185 OF 2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.THIRUNAVUKARASU Advocate

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3 , in Crime No.185 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C. and later altered into 304(B) I.P.C. and hence, seeks anticipatory bail.

2.The prosecution case is that the first accused married the daughter of the de-facto complainant viz., Vairalakshmi and in the wedlock, they have two children. The deceased was provided with 6 ½ sovereigns of jewels 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 case of the petitioner is that the petitioner is an innocent and she has been falsely implicated in this case.

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 petitioner/ accused and as per the report of the Revenue Divisional Officer, the deceased committed suicide due to the demand made by the accused.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

5. The petitioner and another has already filed a petition in Crl.O.P.(MD)No.19689 of 2015 seeking anticipatory bail. This Court, by order dated 12.10.2015, granted anticipatory bail to the petitioner and another on the following conditions:

"5. However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions and the petition against the first petitioner/A2 is dismissed as infructuous. Accordingly, the second petitioner/A2 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."

6. As per the conditions imposed by this Court, the petitioner did not execute the sureties within the time stipulated by this Court. The petitioner filed a petition in M.P.(MD)No.1 of 2015 in Crl.O.P.(MD) No.19689 of 2015 seeking extension of time and subsequently, the petition for extension of time is dismissed as withdrawn. Now, the petitioner has come out with the present petition seeking for anticipatory bail.

7. Considering the facts and circumstances of the case and considering the fact that already the petitioner was granted anticipatory bail by this Court by order dated 12.10.2015, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Virudhunagar and on her executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8.The 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/-
01/12/2015

/ TRUE COPY /

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

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.S.THIRUNAVUKARASU Advocate SR.No.68745

ORDER
IN
CRL OP(MD) No.22693 of 2015
Date :01/12/2015

NS/SKS-RR/SAR I/03.12.2015 : 3P/6C

https://hcservices.ecourts.gov.in/hcservices/