



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

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23547 of 2014

1 MURUGESAN
2 SARASU
3 BALACHANDRAN
4 RANI

... PETITIONERS / ACCUSED NOS.1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHETTINADU POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.108/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl.Side)

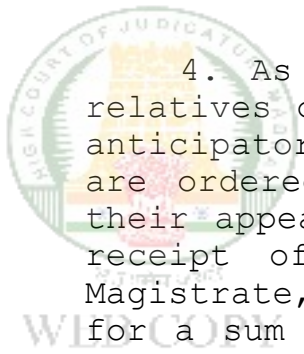
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 of Cr.P.C., altered into Section 306 of Indian Penal Code in Crime No.108 of 2014, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that Murugesan (A-1) got married to the deceased-Selvi 12 years back and they have two children. Suddenly, one child died on 28.03.2014 and again on 07.04.2014, Selvi and another child died. Murugesan had hurriedly conducted the funeral of his wife and two children. The father of Selvi lodged a complaint over post alleging some foul play in the death of her daughter and two granddaughters. Under such circumstances, this case has been registered.

3. The police have filed objection, wherein they have stated that the petitioners did not even appear for a single day to assist them for investigation and further, the enquiry of the Revenue Divisional Officer is pending. Under such circumstances, I am of the view that custodial interrogation of the first petitioner-Murugesan (A-1) is necessary to find out the cause of death of his wife and two children as the incident had taken place inside his house and as such, I am not inclined to grant anticipatory bail to the first petitioner herein-Murugesan.



4. As regards the petitioners 2,3 and 4 herein, who are the relatives of the first petitioner-Murugesan, I am inclined to grant anticipatory bail to them. Accordingly, the petitioners 2,3 and 4 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, Karaikudi, on condition that they shall execute a bond for a sum of Rs.10,000/- each (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 satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 2,3 and 4 shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30 p.m. for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioners 2,3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2,3 and 4 shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2,3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2,3 and 4 released on bail by the learned Judicial 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]**.

5. In respect of the first petitioner-Murugesan (A-1), the petition for anticipatory bail stands dismissed. Petition dismissed as against first petitioner.

sd/-
12/01/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAISKUDI.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 - 3 THE INSPECTOR OF POLICE, CHETTINADU POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.KANNAN, Advocate SR.No.1415.

ORDER IN
CRL OP (MD) No.23547 of 2014
Date : 12/01/2015