



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

Wednesday, the Ninth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.13470 of 2015

1 MUTHAIAH
2 NAGAKANI

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.215 OF 2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

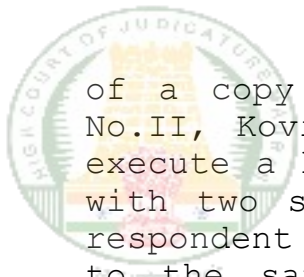
ORDER : The Court Made the following order :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Section 174 Cr.P.C., @ 306 I.P.C., in Crime No.215 of 2015, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that the first petitioner is the maternal uncle and the second petitioner is the mother of the first accused Selvakumar. Selvakumar got married to one Ambika 1 ½ years back and on 21.06.2015 Ambika committed self-immolation. Coming to know about which, Selvakumar went to her house and took her hospital for treatment. Since the death was within a period of seven years from the marriage, the Executive Magistrate conducted an enquiry and submitted a report stating that there is no dowry harassment and hence the case was altered into 306 I.P.C.

4. Taking into consideration the nature of allegations made against the petitioners, this Court is of the view that this is a fit case to grant anticipatory bail to them. Accordingly, they 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 No.II, Kovilpatti, on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the first petitioner / first accused shall report before the respondent Police daily at 06.30 p.m., until further orders and the second petitioner / second accused shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

5. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
09/03/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,KOVILPATTI
- 2 THE CHIEF JUDICIAL MAGISTRATE,TUTICORIN
- 3 THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.13816

ORDER

IN

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Date :09/03/2016