



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14041 of 2016

1 PONNAIAH
2 SHANMUGAVALLI @ NAGAVALLI
3 SANGEETHA

... PETITIONERS / ACCUSED 2 TO 4

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
CRIME NO.124 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

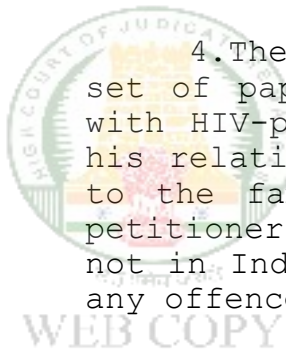
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C altered to Sections 417, 498(A) and 306 IPC, in Crime No.124 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the daughter of the defacto complainant was married to A.1 on 25.03.2016. The said marriage was second marriage for A.1. The defacto complainant received phone call from his daughter on 29.07.2016 at about 02.15 p.m., and his daughter informed him that she does not want to live with A.1. On the same day at about 03.00 pm., he received information that his daughter committed suicide by hanging. On complaint, case has been registered for the abovesaid offences.

3.The case of the petitioners is that the petitioners 1 and 2 are in-laws of the deceased and the third petitioner is the wife of A.1's brother. The first wife of A.1 was suffered from HIV and in the presence of elders both decided to live separately and got divorce and subsequently, he married the deceased.



4.The learned counsel for the petitioners also produced the typed-set of papers to the effect that the first wife of A.1 was suffered with HIV-positive. The deceased, on suspicion that A.1 was continuing his relationship with his first wife made quarrel often with A.1. Due to the family dispute, she committed suicide by hanging. The third petitioner is living in Malaysia, at the time of occurrence and she was not in India. The petitioners are innocent and they have not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (Crl.Side) that A.1 was already arrested and remanded to judicial custody and the RDO enquiry and Investigation are pending.

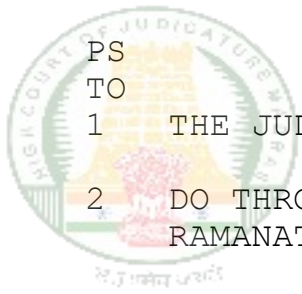
6.Considering the facts and circumstances of the case and also considering the nature of allegation levelled against the petitioners and contention of the learned counsel for the petitioners that the third petitioner was residing in Malaysia at the time of occurrence, custodial interrogation of the petitioners are not required, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Paramakudi, 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 petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks.
- (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]**.

7.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/-
01/09/2016

/ TRUE COPY /



PS
TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.49777

GJM/SS2/SAR-I-6.9.16-3P-6C

ORDER

IN

CRL OP(MD) No.14041 of 2016

Date :01/09/2016