



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

Wednesday, the Thirtieth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5250 of 2016

V. SELVAM

... PETITIONER/1ST ACCUSED

Vs

STATE REP BY THE SUB INSPECTOR OF POLICE

LALGUDI POLICE STATION,

TRICHY, CR NO. 450/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.R.LAXMAN Advocate

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

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

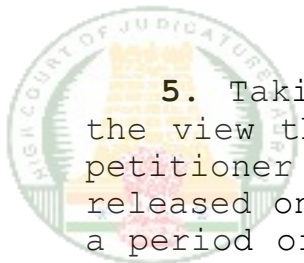
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 174 Cr.P.C., and 498(A) and 304(B) I.P.C., in Crime No.450 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner / first accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. This is the second application for anticipatory bail and the first anticipatory bail application, in Crl.O.P.(MD) No.24059 of 2015, was dismissed by this Court, vide Order dated 21.01.2016.

4. It is the case of the prosecution that the petitioner / first accused got married to the deceased on 15.11.2013 and they have one child through the wedlock. It is seen that their child was suffering from Ecto Dermal Dyspiazia and the deceased used to threaten the petitioner / first accused frequently that she will commit suicide. In this regard, when the deceased made such an insinuation, the petitioner / first accused lodged a complaint before the respondent Police and the deceased was called and given counselling. This finds a place in the R.D.O's report, which was not brought the notice of this Court earlier. It is seen that the deceased appears to have caused the death of her son and later she committed suicide by hanging. The R.D.O's report clearly shows that the death of the deceased was not on account of any dowry harassment.



5. Taking into consideration the above facts, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner / first accused. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, on condition that the petitioner / first accused 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 petitioner / first accused shall report before the respondent Police daily at 06.30 p.m., until further orders.
- (ii) the petitioner / first accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / first accused 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 petitioner / first accused in accordance with law as if the conditions have been imposed and the petitioner / first accused 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]**.

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

sd/-
30/03/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, LALGUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE SUB INSPECTOR OF POLICE, LALGUDI POLICE STATION, TRICHY
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5250 of 2016
Date : 30/03/2016