



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

Wednesday, the Fourth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.12866 of 2017

WEB COPY

MOOKAIYA

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
IN CRIME NO. 479 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.N.GOVARDHANAN Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

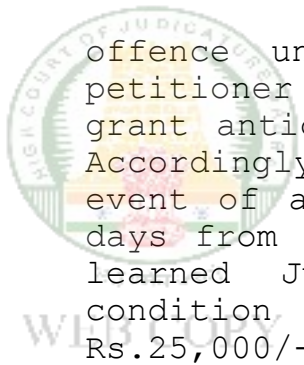
The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 309 of IPC, in Crime No.479 of 2017, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A2 and the first accused/A1 marriage solemnized was on 23.04.2012. Due to dowry harassment, matrimonial case was filed by A2 against A1 and he got divorce in the year 2016 itself. Thereafter due to frustration, A1 consumed poison thereafter, she forced her daughter consume poison, out of which the daughter of A1 was died and A1 was saved. On complaint, the present case has been registered against this petitioner. The specific allegation against the petitioner/A2 is that he instigated them to commit suicide. Hence, Section 309 IPC was implicated.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that already A1 was released on bail and investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that A1 was already released on bail and also considering the fact that the petitioner is not involved in the



offence under Section 302 IPC and the allegation against the petitioner comes only under Section 309 IPC., I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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, Manapparai, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 shall report before the investigation officer, daily between 10.00 a.m. to 11.00 a.m., for a period of two weeks;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioner shall not commit any offence while on bail;
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
04/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAPPARAI, TRICHY DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.N.GOVARDHANAN Advocate SR.No.32096

ORDER
IN
CRL OP(MD) No.12866 of 2017
Date :04/10/2017