



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

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17807 of 2017

M.VELLAICHAMY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
(CR.NO.127 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM Advocate

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

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

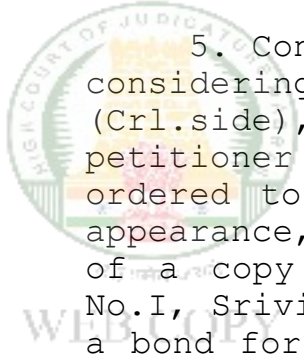
ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C. @ 306 of IPC, in Crime No.127 of 2013, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the step mother of the petitioner(Second wife of the petitioner's father). The petitioner's brother's son married her daughter. After his father's demise, the petitioner filed a Civil Suit in O.S.No.273 of 2011 before the learned District Munsif, Srivilliputhur, for declaration and permanent injunction. The same is pending. Due to the pendency, the defacto complainant's family is not able to enjoy the suit property. Hence, the defacto complainant's daughter was mentally disturbed and due to the stress, she consumed poison and admitted in the Government Rajaji Hospital, Madurai for further treatment. On 22.08.2013, the deceased was declared dead in the hospital. Based on the RDO enquiry, the petitioner was implicated in this case for the above said offence.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that based on the RDO enquiry, initially, the case was registered for the offence under Section 174 Cr.P.C. and after getting RDO report, in which it is stated that the deceased consumed poison due to the family dispute, the offence was altered into Section 306 of IPC. He further submitted that the 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), I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 No.I, Srivilliputhur, 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. and 11.00 a.m., for a period of one week and thereafter on every Sunday at 10.30 a.m for a period of two weeks and thereafter as and when required;
- (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;
- (v) 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 anticipatory bail granted stands cancelled automatically.

sd/-
22/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.K.MANICKAM Advocate SR.No.36906

ORDER IN
CRL OP(MD) No.17807 of 2017
Date :22/12/2017