



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1834 of 2018

CHINNAMAYAN,

... PETITIONER / ACCUSED

Vs

1 THE STATE THRO,
THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI DIVISION,
MADURAI DISTRICT.

2 THE STATE REP.THROUGH
THE INSPECTOR OF POLICE,
UTTHAPANAYAKANUR POLICE STATION,
MADURAI DISTRICT.

IN CRIME NO.56 OF 2017.

... RESPONDENTS/ COMPLAINANTS

For Petitioner : M/S.V.LAKSHMANAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 174 Cr.P.C. altered into Section 306 IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002 in Crime No.56 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein made illegal intimacy with the deceased. Therefore, the deceased wanted to live with this petitioner but the same was refused by him. So the deceased committed suicide by consuming rat poison.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences



mentioned above, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that all the witnesses were examined. According to him the investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. Prior to the alleged occurrence, the petitioner herein made illegal intimacy with the deceased. Thereafter, due to which the deceased wanted to live with the petitioner. For which, the petitioner herein refused the demand made by the deceased. Due to which the deceased committed suicide by consuming rat poison. As of now, according to the case of the prosecution, all the witnesses which are necessary to prove the case of the prosecution were examined. Therefore, considering the stage of investigation, custodial interrogation may not be necessary for completing the investigation.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is 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-II, Usilampatti, 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 respondent Police daily at 10.00 a.m. until further orders.

(ii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii)the petitioner shall not abscond either during investigation or trial.

(iv)On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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07/02/2018

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI DIVISION, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
UTTHAPANAYAKANUR POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.LAKSHMANAN Advocate SR.No.2139

GJM/PM/PN/SAR2-12.2.18-3P-7C

ORDER
IN
CRL OP(MD) No.1834 of 2018
Date :07/02/2018