



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2852 of 2018

1 SOUNDARARAJAN,
2 PANNEER SELVAM,

... PETITIONERS / PETITIONERS
ACCUSED NOS.2 AND 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT,
CR.NO.30 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.MALAIYENDRAN 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 petitioners, who are arrayed as accused Nos.2 and 3, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 306 of I.P.C., registered in Crime No.30 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant returned to home from the agricultural field along with her daughter, the accused persons along with one Rukmaniammal abused and assaulted the defacto complainant's daughter, thereby she died by consuming poison. Hence, the complaint has been lodged before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged by the prosecution and hence he pleads for grant of anticipatory bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl. Side) submitted that the investigation is still pending.



5.The submissions made by the counsel appearing on either side are considered. It is alleged that during the time of occurrence, on 28.01.2018, one Rukmaniammal abused and assaulted the defacto complainant's daughter and thereby she committed suicide. Now, on go through the entire averments made in the FIR no overt act is attributed against this petitioners. Thereby, custodial interrogation of the petitioners may not be necessary for completing the investigation.

6.Considering the facts and circumstances of this case, with regard to the petitioners are concerned, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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 No.II, Kovilpatti, on condition that each of the petitioners 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 petitioners shall report before the respondent police, daily at 10.00 a.m. until further orders.

(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 anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
22/02/2018

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



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TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.2928

GJM/SMA/SAR-2-28.2.18-3P-5C

ORDER
IN
CRL OP(MD) No.2852 of 2018
Date :22/02/2018