



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3635 of 2018

1 SURYA

2 ISHWARIYA

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PATTEESWARAM POLICE STATION,
KUMBAKONAM TALUK, THANJAVUR DISTRICT,
IN CR.NO. 35/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.B.JAMEEL ARASU Advocate

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

For Intervenor : MR.R.PRAKASH Advocate

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 174 I.P.C., and subsequently the same was altered into Section 306 I.P.C., in Crime No.35 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 11.02.2018, due to insult made by the petitioners herein, the deceased consumed poison and committed the suicide. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervenor submitted that while the deceased was demanding back the nail polish given to the petitioners herein, they abused the deceased with filthy language and assaulted in front of the public, which induced her to commit suicide by consumed poison and now the petitioners herein



threatened the defacto complainant to withdraw the case. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

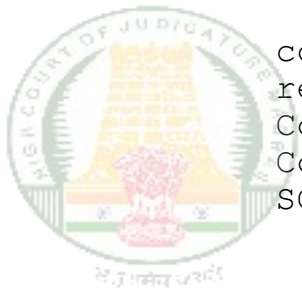
6.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to insult made by the petitioners herein, the deceased consumed poison and finally she died. Initially, on go through the F.I.R., it would appear that the alleged offence was happened on 11.02.2018. but the case has been registered only on 14.02.2018. More over, there is a contradiction arose between the F.I.R and the investigation. In the F.I.R., it is alleged that the deceased committed the suicide by consuming poison. But according to investigation, she committed suicide for insult made by the petitioners herein. On the other hand, the deceased gave a statement to the police officers, in which, she stated that due to wordy quarrel made between the petitioners and herself, she committed the suicide. Admittedly, the petitioners herein are the relatives of the deceased. So, there is no chance for absconding. Moreover, the first petitioner is aged about 19 years and the second petitioner is aged about 22 years. So, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Kumbakonam, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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].

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16/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTEESWARAM POLICE STATION,
KUMBAKONAM TALUK, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.56142
+2. CC to M/S.R.PRAKASH, Advocate SR.No.4214

ORDER
IN
CRL OP(MD) No.3635 of 2018
Date :16/03/2018

MKV-PN-SAR 1/22.3.2018/3P-8C