



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21425 of 2018

1 SELVI@RAKKU
2 RENUGA DEVI
3 KANNATHAL
4 SURIYA PRAKASH

... PETITIONERS / ACCUSED
No.2,3,5 and 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT
Crime No..251 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.THIRUVADI KUMAR Advocate

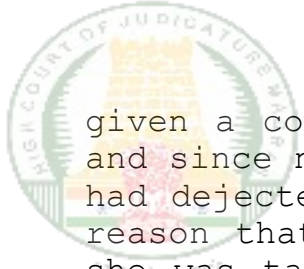
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehending arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C. @ 306 of I.P.C., in Crime No.251 of 2018, seek anticipatory bail.

2. The petitioners are mother, sisters and sister's husband of first accused. The said Ashok Kumar and one deceased Brintha were in love with each other for the past five years and the said Ashok Kumar returned back from abroad, the deceased Brintha had insisted the first accused to marry her. On 09.10.2018, Ashok Kumar had taken the deceased Brintha to his premises and after convincing his mother and sister he would marry her. The petitioners had lodged a complaint with the respondent alleged that trespassed by the deceased Brintha and the respondent police had directed the deceased to move out the premises. On 11.10.2018, the deceased Brintha had



given a complaint to All Women Police Station, Sivagangai District and since no action was taken by them. Due to which the said Brintha had dejected and on 24.11.2018, she had consumed rat poison for the reason that she was unable to marry the said Ashok Kumar and while she was taking treatment at the Sivagangai Government Hospital and in the ICU the respondent police had received a complaint from her. Thereafter a case was registered under section 174 Cr.P.C., and the said Brintha had passed away on 27.11.2018 thereafter the First Information Report was altered under Section 306 of I.P.C..

3. The learned counsel for the petitioners would submit that even going through the complaint given by the Brintha except that she has dejected for not being getting marriage with first accused Ashok Kumar and with regard to the other petitioners she has not made any allegations. He would further submit that the petitioners-3 & 4 are residing at Chennai and the second petitioner is residing nearby town.

3. Heard the learned Government Advocate (Criminal Side) appearing for the respondent.

4. Considering the facts of the case, 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-I, Sivagangai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., without fail, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/12/2018

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
SIVAGANGAI.
 2. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.22767

ORDER
IN
CRL OP(MD) No.21425 of 2018
Date :05/12/2018

TK/PN/SAR.3/14.12.2018/3P/6C