



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17962 of 2017

1 K.KAVITHA
2 K.LAKSHMI

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE SUB-INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT,
(REF.CRIME NO. 539/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SHANMUGARAJA SETHUPATHI Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public prosecutor

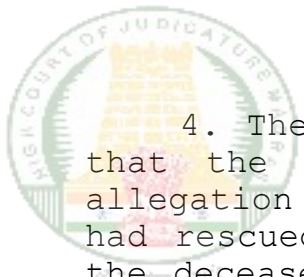
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are arrayed as accused in Crime No.539 of 2017 of Thuraiur Police Station. They apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498 (A), 304(B) and 201 IPC, they have filed this petition, in which they seeking the relief of anticipatory bail.

3. The case of the prosecution is that the daughter of the de-facto complainant and the first accused had love affairs. Subsequently, the marriage was solemnized between them in the year 2015. In the month of September 2015, she gave birth a male child. Subsequent to the birth of the child, the de-facto complainant's daughter used to visit the parental home and complaint that she was subjected to harassment and dowry demand by her husband. On 08.12.2017, the daughter of the de-facto complainant had visited the parental home and informed to the de-facto complainant that her husband had demanded dowry. While so, on 14.12.2017 one Ramesh, Councilor of Sorathur informed the de-facto complainant that his daughter has committed suicide by hanging. Further, it is alleged by the de-facto complainant that there is a suspicion in the death of his daughter. On the basis of the above complaint, the case has been registered by the respondent police.



4. The learned counsel appearing for the petitioners submitted that the petitioners are neighbours to the deceased, the only allegation against the petitioners was after the occurrence, they had rescued the deceased and destroyed the rope which was used by the deceased. He further submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor levelled the only one allegation against the petitioners as that is after the occurrence the petitioners had rescued the deceased and destroyed the rope used by the deceased.

6. Considering the submissions on either side, it reveals that the offence u/s. 498(A), 304(B) and 201 IPC has been registered against the petitioners. Considering the fact that the petitioners are the neighbours to the house of deceased. In the alleged occurrence, the petitioners are trying to remove the rope which was used by the deceased for committing suicide. Further, this Court, as per the order passed in CrI.O.P.(MD)No.17634 of 2017 granted anticipatory bail to the other accused in this case. In the above said circumstances, considering the overt act of the petitioners the custodial intragation is not necessary for completing the investigation.

7. Hence, taking the above said aspects into consideration, and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(i) The petitioners are granted anticipatory bail in the event of their arrest or on their surrender before Judicial Magistrate, Thuraiyur, Tiruchirappalli District, on or before 17.01.2018, failing which the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.25,000/- each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Thuraiyur, Tiruchirappalli District.

(iii) **The petitioners are directed to appear before the respondent / police daily at 10.00 a.m. for a period of two weeks.**

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigation officer.

(v) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs State of Kerala** [(2005) AIR SCW 5560].

sd/-
03/01/2018

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/ TRUE COPY /

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

IS/SKN
TO

- 1 TH JUDICIAL MAGISTRATE
THURAIYUR, TIRUCHIRAPPALLI DISTRICT
- 2 DO THROUH THE CHIEF JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI DISTRICT.
- 3 THE SUB-INSPECTOR OF POLICE
THURAIYUR POLICE STATION, TIRUCHIRAPPALLI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.54

GJM/RR/SAR-4-8.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.17962 of 2017
Date :03/01/2018