



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21720 of 2018

GANESH @ GANESAN

... PETITIONER /4th ACCUSED

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(IN CRIME NO. 171 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.PERUMAL PRABHU Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 449, 294(b), 307 and 109 of I.P.C and Section 4A(2) (i) of TN Prohibition of Harassment of Woman Act, 2002 @ 449, 294(b), 307, 109 and 302 of I.P.C., and Section 4A(2) (i) of TNPHW Act, 2002 in Cr.No.171 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that on 08.06.2017, the marriage between one Geetha and the brother of the petitioner/A1 had taken place. Due to some misunderstandings, there were constant fights between the deceased Geetha and her husband Sankar. She often used to go to her parents' home. Thereafter, Geetha's father pacified and send her back. On 25.07.2018, again, she went to her parents' home. The first accused had come to her place and picked up a quarrel with the deceased Geetha. It is stated that he poured petrol and set fire to her and in that process, Geetha's mother and the first accused sustained severe burn injuries. Thereafter, the defacto complainant had called up 108 ambulance and all the four went to the hospital in the same ambulance. The said Geetha had succumbed to the burn injuries and passed away on 28.07.2018. Initially, a case was registered under Section 307 of IPC.



Thereafter, it was altered into under Sections 449, 294I(b), 307, 109 & 302 of I.P.C and Section 4A (2) (I) of TN Prohibition of Harassment of Woman Act, 2002.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime.

4.The learned Government Advocate (Crl. Side) submitted that investigation has been completed. It is a case of 302 of I.P.C.

5.It appears that the A2 & A3 were released on bail on 12.10.2018 and A5 was granted anticipatory bail on 20.11.2018. It is also submitted that the petitioner is working in Central Industrial Security Force (CISF).

6.Taking into consideration the facts of the case and since there is no overt act attributed against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.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, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioner shall report before the respondent police as and when required for interrogation

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

[d] the petitioner 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 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]**.

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

sd/-
18/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No.23630

ORDER

IN

CRL OP(MD) No.21720 of 2018

Date :18/12/2018

AE/VR/SAR3/20.12.2018/3P/6C