



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20894 of 2018

1 JEYA CHITRA @ CHITRA
2 S.VASANTHA

... PETITIONERS / ACCUSED NO.2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.606/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.VENKATESWARAN Advocate

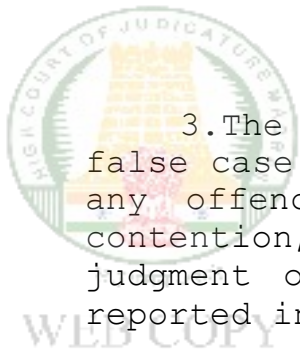
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under Section 306 of IPC altered from 174 Cr.P.C, in Cr.No.606 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner who are the sister-in-law and mother-in-law of the deceased Archana. The defacto complainant is the mother of said deceased. A1 is the brother of the first petitioner and son of the second petitioner. Eight years prior to the date of occurrence, Marriage was held between the deceased and A1. After their marriage they lived happily only for a period of four months. Thereafter due to some misunderstanding between the husband and wife, the deceased left her matrimonial home. After she gave birth a male child, again she went along with her and lived with him only for three months and thereafter again due to the misunderstanding she went to her parental home and lived there nearly for 7 years. In the mean time, since the accused persons demanded the deceased to send her child with them, on vexatious mood, the deceased ate rate poison on 22.09.2018 and despite the medical treatment, she succumbed to the poison on 01.10.2018. Hence, the complaint.



3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have not committed any offence as alleged by the prosecution. In support of his contention, the learned counsel for the petitioners relied upon the judgment of the Honourable High Court, Madras in **Mani Vs. State** reported in **2014 (2) MWN (Cr.) 410**.

4.The learned Government Advocate (Crl. Side) submitted that initially, the case was registered under Section 174 Cr.P.C and later it was altered into Section 306 of IPC.

5.Taking into consideration the facts of the case and on going through the materials and the nature of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Melur, 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 Inspector of Police, All Women Police Station, Melur, daily at 10.30 a.m. 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/-

26/11/2018

/ TRUE COPY /

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



2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR.

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

+1. CC to M/S.R.VENKATESWARAN Advocate SR.No.22106

ORDER

IN

CRL OP(MD) No.20894 of 2018

Date :26/11/2018

JM/PN/SAR 1/29.11.2018/3P/7C