



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

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18487 of 2018

SARAVANA KUMAR,

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.355/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.SELVARAJ 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 petitioner/1st accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 304(B) of IPC., in Crime No.355 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that petitioner/1st accused is the son-in-law of the defacto complainant's daughter. The marriage between the defacto complainant's daughter and petitioner was solemnized on 30.11.2014. Due to difference of opinion, the defacto complainant's daughter had left the matrimonial home in October 2015. Thereafter, differences between them have proceeded and the defacto complainant's daughter had lodged a complaint with the All Women Police Station, Vadamadurai on 20.04.2016. Thereafter, the petitioner had filed H.M.O.P.No.113/2016, which is pending on the file of the Sub-Court, Poonamalee. After filing of the divorce petition, the daughter of the defacto complainant, who was residing with her parents had consumed poison on 14.08.2016 and on the same day, she died. A complaint was lodged against the petitioner and others at the instance of the defacto complainant. The other members of the petitioner's family have been granted bail. In the meanwhile, the



defacto complainant also filed D.V.O.P.No.2/2016, wherein, he had received all the sreedhana articles from the petitioner's family and also given an undertaking that D.V.O.P.No.2 of 2016 would be withdrawn.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime. Hence, anticipatory bail may be granted to the petitioner. He would further submit that co-accused were already granted anticipatory bail by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that earlier anticipatory bail petitions filed by this petitioner were also dismissed by this Court.

5.Considering the fact that the date on which, the deceased consumed poison i.e 14.08.2016, she was at her parents' home and earlier to that, H.M.O.P.No.113/2016 was filed by the petitioner and also considering the fact that co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate Court, Natham, 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 learned Magistrate concerned and 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 weekly twice i.e Saturday and Sunday at 10.00 a.m, for a period of two weeks for interrogation and thereafter he shall appear before the Trial Court concerned;

[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.

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sd/-
19/11/2018

/ TRUE COPY /

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

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM.

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

3.THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.D.SELVARAJ Advocate SR.No.21792

ORDER
IN
CRL OP(MD) No.18487 of 2018
Date :19/11/2018

JM/PN/SAR 1/29.11.2018/3P/6C