



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21176 of 2018

1 PRADEEP KUMAR
2 V.MUTHUSAMY
3 VELLAITHAI

... PETITIONER / ACCUSED No. 1,2,3

Vs

THE STATE,
REP. BY INSPECTOR OF POLICE
KODALPUDUR POLICE STATION,
MADURAI DISTRICT.
(CR.NO.1062/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.PRABHA 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 2 and 3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section **(*)306 of IPC** in Cr.No.1062 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioners 2 and 3 are the in-laws of the first petitioner. Due to some difference of opinion, the victim set fire to herself and she has also given dying declaration stating no specific allegations against the second and third petitioner.

3. The learned counsel for the petitioners would submit that after marriage the petitioner's son and the defacto complainant are living separately and only the grand parents of the victim are taking care of the child. He would also submit that he was with drawn the petition regarding A1.

<https://hcservices.ecourts.gov.in/hcservices>
4. The learned Government Advocate(Crl.Side) would submit that the petitioners are in-laws and they have nothing to do with the alleged issue.



5. Taking into consideration the facts of the case and the submissions by learned counsels this Court inclined to grant anticipatory bail to the second and third petitioners.

6. Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.III, Madurai 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 second and third petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

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

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

[d] the second and third 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 second and third petitioner in accordance with law as if the conditions have been imposed and the second and third 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/-
20/12/2018

**(*) Amended as per the order of Hon'ble
Court made in CRL MP(MD) No. 10628/2018 in
CRL OP(MD) No. 21176/2018 vide order
Dated 20.12.2018 by MNKJ**

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

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

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

+1. CC to MR.S.PRABHA Advocate SR.No.23903

ORDER
IN
CRL OP(MD) No.21176 of 2018
Date :20/12/2018

MSI/PN/SAR-III /03.01.2019-3P/6C