



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20274 of 2018

1 MEENAMMAL @ MEENA

2 PANDIYAMMAL

3 MUTHUMADATHI

... PETITIONERS/ ACCUSED NOS.1 TO 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CRIME NO.192/2017

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.JOTHIBASU 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 apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174(3) Cr.P.C. @ 306 of I.P.C., in Crime No.192 of 2017, seek anticipatory bail.

2.The case of the prosecution is that 4 years back the marriage took place between the deceased and the first petitioner's son namely, Chinnapandi. The first petitioner is the mother of the second petitioner. The third petitioner is the daughter-in-law of the first petitioner. Accused No.4 is a neighbour. The deceased Pandeewari is none other than the daughter-in-law of the first petitioner. The case of the prosecution is that on 11.09.2017 at 11.00 a.m, the deceased has received a missed call to her cell phone from A4's husband namely Palkutty. It is stated that the deceased made a call in order to know the identity of the person. It is stated Accused No.4 attended the phone call. It is alleged that the Accused No.4 informed about the incident to Accused No.1 to 3 and all of them have scolded the deceased. Thereby, on 11.09.2017 at 15.45 hours the deceased poured kerosene and set fire herself. Immediately, she was rescued by the neighbours and admitted in the Government Hospital. The police has received information about the

incident and obtained a statement from the deceased. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners would submit that the second petitioner is concerned, the petition is dismissed as withdrawn. He would further submit that the first and third petitioners are innocent. They did not commit any offence, as alleged by the prosecution. They have been falsely implicated in this case. Hence, the learned counsel prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that all the accused are in-laws of the deceased. The deceased stated in her dying declaration statement that all of them had scolded her prior to the time of occurrence, thereby, she poured kerosene to her body. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. The submissions made on either side recorded. Due to slanderous remarks the deceased taken a extreme steps. On perusal of the RDO report and Dying Declaration, this Court is inclined to grant anticipatory bail to the first and third petitioners.

6. Accordingly, The first and third 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 Judicial Magistrate Court No.II, Sattur, 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] The first and third petitioners shall appear before the respondent police as and when required for interrogation.

[b] If the first and third petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] The first and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] The first and third 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 first and third 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/-

13/11/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.21435

ORDER

IN

CRL OP(MD) No.20274 of 2018

Date :13/11/2018

MS/VR-MMS/SAR-4/19.11.2018/3P.6C