



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1166 of 2019

PANDIYAMMAL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME.NO.192/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JOTHIBASU 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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174(3) Cr.P.C @ 306 of IPC in Cr.No.192 of 2017 seeks anticipatory bail.

2. The case of the prosecution is that four years back the marriage took place between Pandiyammal and Chinnapandi. The deceased's husband Chinnapandi is working as load man. After the marriage they were living happily and the deceased gave birth to a male child. It is alleged that on 11.09.2017 at about 11.00 a.m the deceased have received a call from 7397135855 which belongs to A4's husband and the deceased in order to identify the person the deceased is said to have made a call, for which A4 has informed the same to the family members. It is further stated on 11.09.2017 at 15.45 hrs the deceased have poured kerosene and set fire. Immediately she was rescued and admitted in the Government hospital, Sivakasi, there she succumbed injuries. On the basis of RDO report, the case was altered to Section 306 of IPC.

3. The learned counsel for the petitioner would submit the petitioner is the sister -i n-law of the deceased and she has been falsely implicated in this case and he has nothing to do with the alleged offence.



4. The learned Government Advocate (Crl.Side) would submit that petitioner herein is the in-law of the deceased and as per the RDO report there is no dowry demand.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Sattur on condition that the petitioner 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 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/-
28/01/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

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 Mr.G.M.LAW OFFICE Advocate SR.No.1595

PS/JC/SAR-3/05.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.1166 of 2019

Date :28/01/2019