



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

Monday, the Seventh day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.143 of 2019

1 LAKSHMI @ VIJAYALAKSHMI

2 VIJAYARANI @ VIJAYALAKSHMI

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

KA. VILAKKU POLICE STATION,

THENI DISTRICT.

IN CRIME NO. 189 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.THALAIMUTHARASU 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 offences punishable under Section 174 of Cr.P.C and altered into 306 of IPC, in Cr.No.189 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the deceased and the petitioners are the members of the self help group in the locality. On the impression that the deceased is a defaulter, she was continuously harassed by the petitioners. On the date of occurrence, when the deceased went to fetch water from the public tap the first petitioner picked up quarrel and scolded her with filthy language. Humiliated by the act of the petitioners, she committed suicide. Hence, the case.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged crime.

4.The learned Government Advocate (Crl. Side) submits that initially the case was registered under Section 174 Cr.P.C and altered into 306 of IPC. Since the death had taken place within a period of six years from the date of marriage, Revenue Divisional Officer had enquired into the matter and from the report, it was



seen that there was no dowry harassment. Further it is found that the victim's mother had given a statement that on the date of occurrence at about 3.45 p.m. the deceased call her mother through phone and stated that she was going to hanging herself. He further submits that the investigation almost over.

5. On perusal of the materials, it is found that this petitioners had some difference of opinion with the victim and abused her. Further in this case Revenue Divisional Officer's enquiry had also been conducted. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners is 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, Aundipatti, 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 respondent police daily at 10.30. p.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/-

07/01/2019

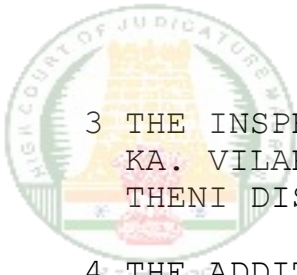
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THENI DISTRICT.



3 THE INSPECTOR OF POLICE
KA. VILAKKU POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.293

ORDER
IN
CRL OP (MD) No.143 of 2019
Date :07/01/2019

JM/VR/SAR 2/09.01.2019/3P/6C