



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1599 of 2019

1 SARALADEVI

2 ALAGAPPAN

... PETITIONER / ACCUSED
No. 1 and 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.
Crime No.21 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.RAMESHKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Government Advocate(criminal side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) altered into 174(3) of Cr.P.C. altered into 498(A) and 304(B) of IPC in Cr.No.21 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant lodged a complaint against the petitioner and his family members for harassing his daughter and demanding dowry. On 21.11.2018, the de facto complainant's daughter consumed rat poison in her parental home and she was admitted in the hospital. On 24.11.2018, the de facto complainant preferred a complaint against the petitioners and on 28.11.2018, his daughter died.

3. The learned counsel for the petitioners submitted that the de facto complainant's daughter had consumed rat poison on 21.11.2018 and the de facto complainant has registered a complaint only on 24.11.2018. The respondent police as well as the de facto complainant did not take any steps to record the dying declaration of the deceased. Moreover, on 04.12.2018 all the jewels and Sreedhana articles were handed over to the de facto complainant.



4. The learned Government Advocate(Crl.Side) would submit that Accused Nos.1 and 3 are seeking Anticipatory bail. Already this Court has granted Anticipatory bail to Accused No.4 vide Crl.O.P. (MD) No.22876 of 2018 dated 18.01.2019.

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5.Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Manamadurai, Sivagangai District 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 conditions 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 as and when required for interrogation.

[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/-
31/01/2019

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TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.

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

+1. CC to Mr.D.RAMESHKUMAR Advocate SR.No.1942

ORDER
IN
CRL OP(MD) No.1599 of 2019
Date :31/01/2019

TK/PN/SAR.2/08.02.2019/3P/6C