



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2231 of 2019

1 KARUPPANNA GOUNDER,
2 K. PONNUSAMY,
3 KANNAMMAL,

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REPRESENTED BY.
THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
(CRIME.NO.60 OF 2019)

... RESPONDENT / COMPLAINANT

ANITHA

...INTERVENER/DEFACTO COMPLAINANT

For Petitioners : Mr.R.MEENAKSHI SUNDARAM Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

For Intervener : Mr.A.S.VAIGUNTH,Advocate

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 under Section 306 IPC in Cr.No.60 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that there was a property dispute between the petitioners and the deceased, for which, the respondent police 10 days prior to the date of occurrence, directed both the parties to seek for judicial remedy. On 28.01.2019 between 03.00 p.m., and 04.00 p.m., the petitioners went to the house of the deceased and threatened the deceased and obtained some signatures from him. Thereafter, the deceased left the house and on 30.01.2019, the defacto complainant got the information that the deceased consumed poison and on seeing the mobile phone of the deceased, it was recorded that the petitioners are responsible for the death of the deceased. Thereafter, the wife of the deceased / the defacto complainant has filed a complaint before the respondent



police.

3.The learned counsel for the petitioners would submit that due to previous enmity, this false case has been foisted against the petitioners and they did not commit any offence as alleged by the prosecution. Since there was a property dispute between the petitioners and the deceased, they are not responsible for the suicide committed by the husband of the defacto complainant. Accordingly, the petitioners prayed for anticipatory bail and the learned counsel further contended that the petitioners are ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned counsel for the intervenor would submit that due to the torture and instigation, the deceased consumed poison and thereafter died in the hospital. Earlier, the petitioners filed a petition in Crl.M.P.No.149 of 2019 seeking anticipatory bail before the trial Court and the same was dismissed on 06.02.2019. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is still pending and already the first petitioner filed a suit in O.S.No.108 of 2019 for permanent injunction against the deceased and the same is pending and the second petitioner has filed a complaint against the defacto complainant and her family members in CSR No.4 of 2019 before the very same police station.

6.Considering the facts and circumstances of the case, the 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 learned Judicial Magistrate No.I, Karur, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) *the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;*

(b) *the petitioners shall report before the respondent police daily at 10.30 a.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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-I,
KARUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.MEENAKSHI SUNDARAM Advocate SR.No.2905

PS/PN/SAR-4/15.02.2019/3P/6C

ORDER
IN
CRL OP(MD) No.2231 of 2019
Date :12/02/2019