



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

Monday, the Eighteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2312 of 2019

K.MUMTHAJ BEGUM

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
KEELAPARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.12/2019

... RESPONDENT

For Petitioner : MR.C.M.ARUMUGAM, 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 petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 284, 304(A) IPC and Section 7 r/w 9 of the Prohibition of Employment As Manual Scavenger and Their Rehabilitation Act, 2013, in Cr.No.12 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the wife of one Sabarinathan. On 07.02.2019, her husband professionally owning motor vehicle used to clean the septic tanks on the request of residents. On the date of occurrence, the petitioner requested the defacto complainant's husband to clean the septic tank. During the process of cleaning, the defacto complainant's husband attacked by poisonous gas and he died in the spot. Hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. However, on instructions, he would submit that the petitioner is ready and willing to deposit a sum of Rs.4,50,000/- in the crime number, without prejudice to her defence before the Court below and



this Court may direct the learned Magistrate to disburse the said amount to the victim family, without filing any application.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that in view of the undertaking given by the petitioner, this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and considering the fact that no one represents on behalf of the defacto complainant and that the undertaking given by the petitioner to deposit a sum of Rs.4,50,000/- to the Crime No.12 of 2019 before the learned Judicial Magistrate Court, Aruppukottai, this Court is inclined to grant anticipatory bail to the petitioner.

6.It is made clear that the deposit of the amount by the petitioner to the crime number would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Aruppukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner shall deposit a sum of Rs.4,50,000/- to the Crime No.12 of 2019 before the learned Judicial Magistrate Court, Aruppukottai, without prejudice to her defence before the Court below and after depositing, the learned Magistrate shall disburse the deposited amount to the victim family without any formal application, within period of two weeks from the date of deposit;

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

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

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(f)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]**; and;

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

sd/-
18/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE,
KEELAPARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.C.M.ARUMUGAM, Advocate SR.No.3276

ORDER
IN
CRL OP(MD) No.2312 of 2019
Date :18/02/2019

GNS
PK/JC/SAR-1/22.02.2019 : 3P/6C