



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.269 of 2019

LAKSHMANAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO. 137 OF 2018

... RESPONDENT / COMPLAINANT

NAGARAJAN

... PETITIONER/INTERVENOR

For Petitioner : MR.S.MADHAN KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervenor : MR.M.S.JEYAKARTHIK, Advocate

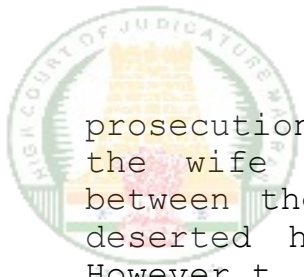
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 306 of I.P.C, in Crime No.137 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of deceased Saranya. The marriage between the petitioner and the deceased was solemnized in the year 2013. After marriage, the deceased and the petitioner were living together. Due to some misunderstanding between them, the deceased had come to defacto complainant's home and live with her parents. Thereafter, a compromise had been arrived and to that effect she agreed to live along with her parents until the petitioner make arrangements for separate house at Chennai. In the mean time, there was a quarrel between the petitioner and the deceased Saranya during phone talk and hence she ate Rate Killer. She was admitted in the Hospital on 18.12.2018 and she died on 23.12.2018. Hence, the complaint.

3.The learned counsel for the petitioner would submit the petitioner has not committed any offence as alleged by the



prosecution. He would further submit that the deceased Saranya is the wife of the petitioner and there is some misunderstanding between them due to ill-advice of her parents. The deceased had deserted her matrimonial home without informing the petitioner. However, the petitioner had taken efforts for reunion. The deceased had agreed to come to Chennai and live together with the petitioner after arrangement of separate Home. The petitioner was at Chennai, at the time of occurrence and due to ulterior motive of the defacto complainant, this case has been registered. Hence, he prays for grant of anticipatory bail to the petitioners.

Heard the learned Government Advocate (Criminal Side) appearing for the respondent police.

4. The learned counsel appearing for the defacto complainant would submit that the petitioner committed very grave offence as against the petitioner's daughter. The petitioner got love marriage with the deceased and they have male child. Later the deceased was driven out of her matrimonial home. Out of the torture and harassment, the deceased committed suicide. Now, the deceased's son namely Jasvandh, aged about 4 years is in the defacto complainant's custody. The defacto complainant is the grandfather of the said child and his wife already died. Now, the defacto complainant's grand child has been suffering without having mother love and care and the petitioner is fully responsible for the death of the deceased and to the pitiable condition of the grand child. Hence, considering the gravity of offence, it is just and necessary to dismiss the present anticipatory bail and also compensation may be given to the grandchild/son of the petitioner.

5. On perusal of records it is seen that the deceased and the petitioner were married against the wishers of both the family members and it is love marriage. The petitioner is willing to deposit for a sum of Rs.2,00,000/- in a Nationalised Bank, Paramakudi as Fixed Deposit in the name of minor Jasvandh. Fixed deposit receipt to be handed over to the defacto complainant.

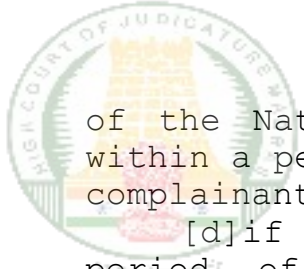
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

<https://hcservices.ecourts.gov.in/hcservices/>

[c] the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in a Fixed Deposit in any one



of the Nationalised Bank at Paramakudi in the name of Jasvandh, within a period of two months and produce the receipt to the defacto complainant.

[d]if the petitioner failed to deposit the said amount within a period of two months, this Order shall stand automatically cancelled.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MADHAN KUMAR, Advocate SR-2078
+1. C.C. to M/S.M.S.JEYAKARTHIK, Advocate SR.No. 2151

ORDER
IN
CRL OP(MD) No.269 of 2019
Date :31/01/2019

JM/PN/SAR 3/15.02.2019/3P/7C