



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3875 of 2019

1 PARTHIBAN

2 RAJESH

3 SURYA @ THILAK

... PETITIONERS / ACCUSED NO.2 TO 4

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

KATTUPUTHUR POLICE STATION, KATTUPUTHUR,

TRICHY DISTRICT

CRIME NO.39/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.KARUNANIDHI Advocate

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

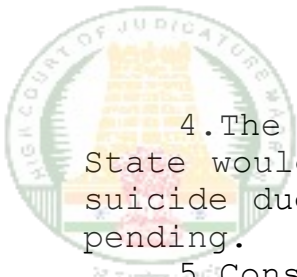
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 306 and 174 of IPC, in Cr.No.39 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that Sandiya the daughter of Jeyaraman was missing and since it is alleged that she has been eloped with one Manivannan, the parents and relatives of the said Sandiya questioned the whereabouts of the Sandiya and threatened the defacto complainant's husband to produce the Sandiya, thereby the defacto complainant's husband committed suicide by poured kerosene. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The petitioners are A2 to A4. They simply enquired about the missing person with the defacto complainant and her husband. Accordingly, he prayed for anticipatory



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the defacto complainant's husband committed suicide due to the threat made by the petitioners. Investigation is pending.

5. Considering the facts and circumstances of the case and considering the allegations levelled against the petitioner and the submissions on either side, this Court is of the opinion that mere enquiry about the missing person and threatening by the petitioners may not instigate the deceased to commit suicide and considering the prima facie case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Musiri, Trichy 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 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/03/2019

/ TRUE COPY /

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

TO

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

1 THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
KATTUPUTHUR, TRICHY DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-4841[I] dated 14/03/2019)

ORDER

IN

CRL OP (MD) No.3875 of 2019

Date :14/03/2019

JM/VR/SAR 2/15.03.2019/3P/6C