



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.55 of 2019

VENKATESH

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
KAYATHAR, THOOTHUKUDI DISTRICT.
(IN CRIME NO. 422 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.MUTHUKUMAR Advocate

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

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

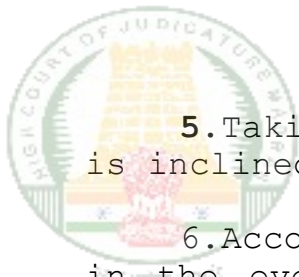
ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 174 of IPC altered in Section 306 of IPC, in Cr.No.422 of 2016, seek anticipatory bail.

2.The case of the prosecution is that the petitioner's wife died on 18.10.2016. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime. He further submits that the marriage was solemnised between the petitioner and the deceased on 18.03.2013. Due to the wedlock a male child was born to them. Due some dispute the deceased left from the petitioner and live separately.

4.The learned Government Advocate (Crl. Side) submits that the defacto complainant's father stated that since the petitioner was not taking care of his family, his daughter ended her life. He further submits that investigation is almost over and charge sheet yet to be filed.



5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.I, Kovilpatti, 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 said Magistrate, on further condition that:

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

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

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

[d] the petitioner 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 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]**.

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

sd/-
04/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KAYATHAR POLICE STATION,
KAYATHAR, THOOTHUKUDI DISTRICT.



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

+1. CC to MR.M.MUTHUKUMAR Advocate SR.No.197

ORDER

IN

CRL OP(MD) No.55 of 2019

Date :04/01/2019

AE/PN/SAR4/09.01.2019/3P/6C