



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

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD) No.6706 of 2019

1 MOORTHY
2 VETRI SELVI

... PETITIONERS / ACCUSED
No.1 and 2

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
Crime No.251 of 2019

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.K.KRISHNA Advocate

For Respondent : Mrs.S.BHARATHI Govt. 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 Section 420, 417, 314 and 315 of IPC in Crime No.251 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the sister of the defacto complainant became pregnant due to illegal relationship with the first petitioner. The second petitioner is the wife of the first petitioner. As per the instructions of the second petitioner, the first petitioner gave a tablet to abort the foetus and due to side effect of the tablet, the defacto complainant's sister died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. With regard to anticipatory bail application filed on behalf of A1, an endorsement has been made in the Court bundle as "not pressed" by the learned counsel for the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the investigation is still pending.



5. Recording the endorsement made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as not pressed in respect of A1 alone.

6. Considering the facts and circumstances of the case and considering the fact that there is no specific overtact against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner alone. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Natham, on condition that the second 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 second 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;

(b) the second petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders;

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

(d) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

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

sd/-

08/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
NATHAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE SUB INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr.K.KRISHNA Advocate SR.No.8138

ORDER

IN

CRL OP (MD) No.6706 of 2019

Date :08/05/2019

TK/PN/SAR-4/10.05.2019/3P/6C