



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8263 of 2019

Rajasuganya

... Petitioner/Accused No.4

Vs

State by,
The Inspector of Police,
Bodi Town Police Station,
Bodinayakanur,
Theni District
(Cr.No.367/2019).

... Respondent/Complainant

For Petitioner : M/s.Sundara Pandya Raja,
Advocate.
For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).

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

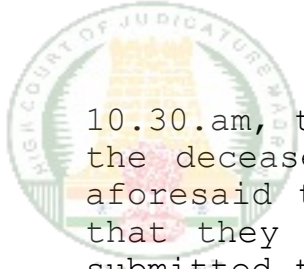
PRAYER :-

For anticipatory bail in Cr.No.367 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174, 174(3) Cr.P.C and 309, 302 and 304(B) I.P.C, in Crime No.367 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the deceased, namely, Priyanka is the wife of A1 and A2, and A3 are the parents of A1. The petitioner herein is the sister of A1. He further submitted that as per F.I.R., the deceased was living in her parents house for more than one year and on 13.04.2019 at about 09.00.am., the deceased went to Subramania Swamy temple at Bodi along with her daughter and subsequently, after



10.30.am, the defacto complainant received a phone call stating that the deceased and her daughter are in unconscious condition in the aforesaid temple and she was admitted in the hospital. It is found that they were consumed poison and committed suicide. He has also submitted that the petitioner is residing at Qatar from 2007 onwards and therefore, she is no way connected with the death of the deceased. He has further submitted that already A1 has filed divorce petition before the Family Court, Chennai. Under the said circumstances, he prayed for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the petitioner herein along with other accused persons demanded dowry and caused cruelty to the deceased, when she was at Singapore along with A1. She has further submitted that the marriage between the A1 and the deceased, Priyanka took place on 14.10.2015 and out of the said wedlock, three children were born. She has also submitted that since the accused persons continuously harassed the deceased. She consumed poison and the investigation is also pending. Hence, she strongly opposed this petition.

5. Taking into consideration of the fact that no allegation is made against the petitioner as per FIR and only in the alteration report, it is stated that the petitioner herein also caused cruelty to the deceased when she was in Singapore and also the fact that before the death, the deceased was living in her parents' house for more than a year and also the fact that the petitioner herein is permanently residing at Qatar from 2007 onwards, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakanur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of four weeks, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one week, for investigation purpose.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.



(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
14/06/2019

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

TO

1.THE JUDICIAL MAGISTRATE,
BODINAYAKANUR, THENI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3.THE INSPECTOR OF POLICE
BODI TOWN POLICE STATION, BODINAYAKANUR,
THENI DISTRICT

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

+1. CC to M/S.SUNDARA PANDYA RAJA Advocate SR.No.7827

ORDER
IN
CRL OP(MD) No.8263 of 2019
Date :14/06/2019

DAS
PK/VR/SAR-1/20.06.2019 : 3P/6C