



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.939 of 2019

1 VILLAMMAL
2 MUNEESHWARI
3 THIRUMURUGAN

... PETITIONERS/ ACCUSED
NO.2 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.17/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.BHARATHI, Advocate
For Respondent : Mr.A.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 306 of IPC in Cr.No.17 of 2019 seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute regarding pathway, on 18.01.2019 at about 06.0 p.m there was a wordy quarrel between the A1 and deceased. It is further alleged petitioner/accused lodged a complaint to the police in respect of the incident and the respondent police directed the deceased to come to the police station on 19.01.2019 for enquiry. On the same day the deceased consumed pesticide in front of the police station and succumbed to poison.

3. The learned counsel for the petitioners would submit that petitioners are relatives of the deceased and they have been unnecessarily roped in this case.

4. The learned Government Advocate (Crl.Side) would submit that there was a verbal fight between the defacto complainant and the petitioner's family with regard to the pathway



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the petitioners herein are only relatives to the deceased, this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar 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 said Magistrate, on further condition that:

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

[b] the third petitioner shall report before the respondent police for a period of two weeks and thereafter as and when required for interrogation.

[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]**.

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

sd/-
30/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.BHARATHI Advocate SR.No.1821

ORDER IN
CRL OP(MD) No.939 of 2019
Date :30/01/2019