



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

Date : 06/08/2019

PRESENT

WEB COPY

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.6705 of 2019

1. Logeswari
2. Rajendran
3. Devi
4. Ranjithkumar

... Petitioners/Accused 1 to 4

Vs

State represented by The Inspector of Police,
Virudhunagar Rural Police Station.

In Crime No.98 of 2018.

... Respondent/Complainant

For Petitioners : M/s.T.Selvam,

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in cr.no.98 of 2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C @ 306 I.P.C in Crime No.98 of 2018, seek anticipatory bail.

2.The learned counsel for the petitioner has submitted that the first petitioner is the wife of the deceased and the petitioners 2 and 3 are the parents of the first petitioner and the 4th petitioner is brother of the first petitioner. He further submitted that the deceased has committed suicide on 16.03.2018 by consuming poison and hence, originally, the case was registered under Section 174 Cr.P.C and subsequently, it was altered into under Section 306 I.P.C. He further submitted that at the time of alleged occurrence, the first petitioner was in her parents house. He further submitted that since there was some family dispute, she came to her parents house and at that time, the deceased has committed suicide. Therefore, he prayed to grant anticipatory bail to the petitioners.



3. Per contra, the learned Government Advocate (Crl.Side) has submitted that originally, the case was registered under Section 174 Cr.P.C and subsequently, it was altered into under Section 306 I.P.C. She further submitted that on 17.03.2018, the father of the deceased has produced one cell-phone, which was said to have been used by the deceased and in the said cell phone, he has recorded his dying declaration stating that since his wife, his father-in-law and mother-in-law were not allowing him to live happily and peacefully, he decided to commit suicide. She further submitted that the said cell phone has been forwarded to the Forensic Lab and report from the Forensic Lab is not yet received. Therefore, she strongly opposed this petition.

4. In the alleged dying declaration, though it is stated that since his wife and her parents were not allowing him to live peacefully and happily, the deceased has not stated in what manner they have not allowed him to live peacefully and happily. So, unless he has stated the reasons, this Court cannot come to a conclusion that whether the said reason was the immediate cause for committing suicide by him.

5. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners, by imposing certain conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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.II, Virudhunagar on condition that the petitioners shall each 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE No.II,
VIRUDHUNAGAR
- 2 -do-thro-THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR RURAL POLICE STATION
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.SELVAM, Advocate (SR-12966[I] dated 06/08/2019)

ORDER
IN
CRL OP(MD) No.6705 of 2019
Date :06/08/2019

vs
ES/JC/SAR 2/19.08.2019/3P/6C