



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9713 of 2019

1. Sankarapandian
2. S. Muthulakshmi
3. S. Maheswari
4. A. Sudalaikannu ... Petitioners/Accused Rank Not Known

Vs

The State rep. by
The Inspector of Police,
Thirukurungudi Police Station,
Thirunelveli District,
Crime No.62/2019. ... Respondent/Complainant

For Petitioners : M/s.S.Balaji,
Advocate.

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

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

PRAYER :-

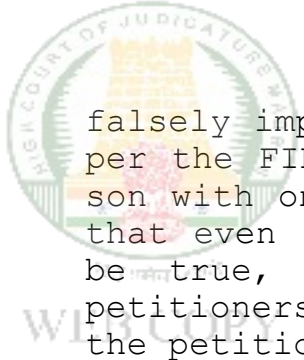
For Anticipatory Bail in Crime No.62/2019 on the file of the
respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 174 @
306 of Cr.P.C seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent and they have been



falsely implicated in the above case. He further submitted that as per the FIR, since the deceased did not like the marriage of her son with one Maheswari, she committed suicide. He would also submit that even if the allegations in the first Information are taken to be true, section 306 of IPC will not attract against the petitioners herein. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that though the deceased objected the marriage between her son Nambirajan and one Maheswari, their marriage was performed by the relatives of the deceased. In this regard she requested the relatives before the marriage for not performing such marriage but nobody was ready to hear her words, subsequently, after the marriage, she committed suicide by consuming poison. Hence he opposed to grant anticipatory bail to the petitioners.

5. As per the First Information Report, the deceased was having grievance due to the marriage by her son with one Maheswari and due to the same she committed suicide. Taking into consideration all the aforesaid facts and also the submissions of the learned counsel for the petitioners that even if the allegations in the first Information are taken to be true, section 306 of IPC will not attract against the petitioners herein, this Court is inclined to grant anticipatory bail to the petitioners with 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, Nanguneri, Tirunelveli 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 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:

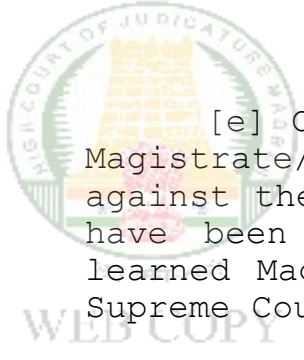
[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[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.

<https://hcservices.ecourts.gov.in/hcservices/>



[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/-
12/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT, NANGUNERI, TIRUNELVELI DISTRICT
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, THIRUKURUNGUDI POLICE STATION,
THIRUNELVELI DISTRICT, CRIME NO.62/2019
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.S.BALAJI, Advocate SR.No.11683

ORDER
IN
CRL OP(MD) No.9713 of 2019
Date :12/07/2019

AAV
JM-I/VR/SAR-2/23.07.2019/3P-6C