



WEB COPY

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

Date : 31/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10636 of 2019

1. Ramakrishnan

2. Dhanalakshmi

3. Anjammal

... Petitioners/Accused Nos.1 to 3

Vs

The State by represented by  
The Inspector of Police,  
Swamimalai Police Station,  
Thanjavur District,  
(Crime No. 91 of 2019).

... Respondent/Complainant

For Petitioners: M/s.B.Jameel Arasu,  
Advocate.

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

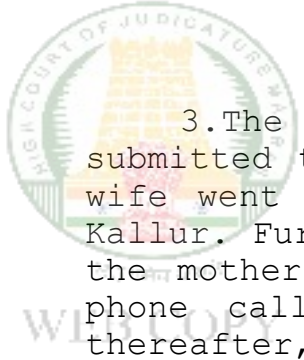
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

**PRAYER :-**

For Anticipatory Bail in Crime No. 91 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 offence punishable under Section 306 IPC,  
in Crime No.91 of 2019, seeks anticipatory bail.



3.The learned counsel appearing for the petitioner has submitted that as per the FIR, on 19.04.2019, the deceased and his wife went to the house of the father-in-law which is situated at Kallur. Further, it is stated that on 20.04.2019, at about 06.00 p.m the mother of the deceased (Defacto complainant) has received a phone call from the deceased as some dispute arose there and thereafter, the defacto complainant went to the house of the father-in-law of the deceased at about 10.00 p.m and enquired with the deceased. At that time, the deceased has stated that the accused persons have assaulted him with chappals, broomstick and also kicked with legs and thereafter, at about 01.00 a.m, during night, the deceased went behind the house of one Ravi and consumed Insecticide and committed suicide. He further submitted that even if the allegations made in the FIR are taken as true at the face value, Section 306 IPC will not attract, and therefore, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that since the petitioner have assaulted the deceased with cheppals and broomstick and humiliated him, the deceased committed suicide. Further, the deceased wrote a letter before committing suicide in which, he clearly mentioned that the petitioners herein are responsible for his death. Hence, she strongly opposed this petition.

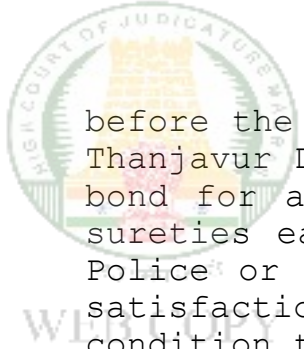
5.FIR has been registered, based on the complaint given by one Tmt.Saroja, who is the mother of the deceased Raja. In the FIR, she has stated that on 19.04.2019, the deceased and his wife went to the house of his father-in-law, which is situated at Kallur. Further, it is stated that on 20.04.2019, at about 06.00 p.m she received a phone call from the deceased as some dispute arose there and thereafter, she went to the house of the father-in-law of the deceased at 10.00 p.m and enquired with the deceased. At that time, the deceased has stated that the accused persons have assaulted him with cheppals, broomstick and also kicked with legs and thereafter, at about 01.00 a.m, during night, he went behind the house of one Ravi and he consumed Insecticide, which was already bought by him.

6.The aforesaid averment would show that on 19.04.2019 itself, when the deceased went to the house of his father-in-law, he bought insecticide and brought to his father-in-law's house. So, it is appears that even before the alleged assault on 20.04.2019, he decided to commit suicide.

7.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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,

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



before the learned The Judicial Magistrate, Court No.II, Kumbakonam, Thanjavur District on condition that the petitioners 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:

[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/-  
31/07/2019

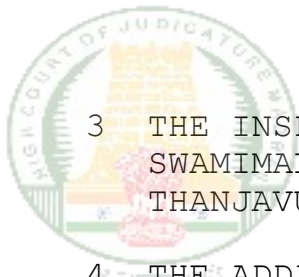
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO-II,  
KUMBakonam,  
THANJORE DISTRICT.

2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
<https://hcservices.ecourts.gov.in/hcservices/> THANJORE DISTRICT AT KUMBakonam.



3 THE INSPECTOR OF POLICE  
SWAMIMALAI POLICE STATION,  
THANJAVUR DISTRICT.

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

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.12696

ORDER

IN

CRL OP (MD) No.10636 of 2019

Date : 31/07/2019

DSS

ES/PN/SAR 1/13.08.2019/6P/6C