



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

Date : 28/08/2019

PRESENT

The Hon'ble Justice P.RAJAMANICKAM

CRL OP(MD). No.11865 of 2019

WEB COPY

1. Arjunan  
2. Kalaiselvi ... Petitioners/Accused No.2 and 3  
Vs

State Represented by  
The Inspector of Police,  
Kallal Police Station,  
Sivagangai District  
(in Crime No. 104 of 2019). ... Respondent/Complainant

For Petitioners : M/s.R.Karunanidhi, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 104 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioners/accused nos.2 and 3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C @ 306,341,506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the A1 and the deceased were lovers and on knowing the said fact the mother of the deceased gave a complaint before the Sub Inspector of Police, Azhagapuram Police Station on 07.03.2019 and based on the said complaint the respondent police called the petitioner and warned him and hence the deceased committed suicide by consuming rat poison. He further submitted that the petitioners herein are the parents of A1 and they are no connected with the said offence. Therefore he prayed to grant anticipatory bail to the



4. Per contra, the learned Government Advocate(Crl.Side) would submit that the A1 has loved the victim girl one sidedly and the said love has not been accepted by the deceased and he gave torture to love him, hence the defacto complainant has lodged a complaint before the Sub Inspector of Police, Azhagapuram Police Station on 07.03.2019 and based on the said complaint the A1 herein was called and warned and at that time A1 gave a letter on 15.03.2019 stating that he will not give any torture to the deceased and based on the same, the said complaint was closed. She further submitted that if really the deceased was also loving A1 and the same was not accepted by the defacto complainant, the deceased would have committed suicide immediately as soon as the i.e., on 07.03.2019 itself, but the deceased committed suicide only on 31.05.2019. She further submitted that in the First Information Report the defacto complainant has categorically stated that the petitioners herein along with A1 criminally intimidated her daughter and hence she committed suicide by consuming rat poison. Therefore she strongly opposed to grant anticipatory bail to the petitioner. However she fairly conceded that the petitioners herein are parents of A1.

5.Taking into consideration the fact that the petitioners herein are the parents of A1 and the main allegations are against A1 only, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

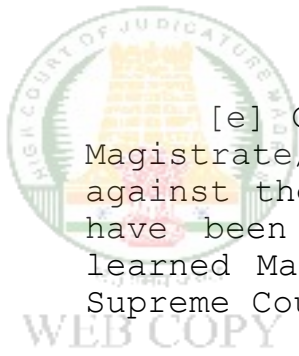
[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District on condition that the petitioner 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 fails 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/-  
28/08/2019

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
KARAIKUDI, SIVAGANGAI DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
KALLAL POLICE STATION,  
SIVAGANGAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.11865 of 2019  
Date :28/08/2019

aav  
ES/PN/SAR 2/12.09.2019/3P/5C