



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

Date : 19/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.13036 of 2019

1. Chandra Kumar
2. Rukmani

... Petitioners/Accused No.1 and 2

Vs

State rep. through,
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
(Crime No. 393 of 2019).

... Respondent/Complainant

For Petitioner : Mr. T. Antony Arul Raj,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 393 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under section 174(3) of Cr.P.C. in Crime No.393 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The first petitioner got married to the daughter of the defacto complainant in the year 2015. A girl child was born. Due to reasons which are not quite clear, the first petitioner's wife committed suicide by consuming poison on 04.09.2019. Hence, the present First Information Report came to be registered. The first petitioner is the husband. The second petitioner is the mother-in-law.



4. It is not in dispute that 26 sovereigns of gold were pledged by the first petitioner and he could not redeem the same also. The value of the pledged jewellery would come to Rs.7,80,000/-. The petitioners give an undertaking that a sum of Rs.10,000/- will be deposited in the account of the defacto complainant every month so that the child of the first petitioner can be maintained by the defacto complainant. It is made clear that this amount of Rs.10,000/- is directed to be deposited so that the child can be maintained.

5. The petitioners' counsel also gives a further undertaking that a sum of Rs.7,80,000/-(Rupees Seven Lakhs and Eighty Thousand only) will be paid to the defacto complainant in six installments within a period of 18 months. It is made clear that a sum of Rs.1,30,000/-(Rupees One Lakh and Thirty Thousand only) will be remitted by the petitioners in the bank account of the defacto complainant once in three months. At the end of 18 months, the petitioners should have paid the sum of Rs.7,80,000/- to the credit of the defacto complainant.

6. In view of such a solemn undertaking given before me by the petitioners' counsel on instructions of the petitioners, I am granting anticipatory bail. If the petitioners commit default, it is open to the defacto complainant to move this Court for cancellation of anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Nanguneri, and on each of them executing 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 learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent for a period of seven days at 10.30 a.m. and thereafter as and when required for interrogation and the second petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
19/09/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI,
TIRUNELVELI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
3. THE INSPECTOR OF POLICE
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. T. ANTONY ARUL RAJ Advocate SR.No.16080

ORDER
IN
CRL OP(MD) No.13036 of 2019
Date :19/09/2019

PMU

PK/SK/SAR-1/24.09.2019 : 3P/6C