



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

Date : 10/02/2020

PRESENT

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

WEB COPY

CRL OP(MD). No.1442 of 2020

1. Sivasankaravelu
2. Sivagamasundari
3. Maheswari

... Petitioners/Accused No.2 to 4

Vs

State Rep.by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No.686 of 2019.

... Respondent/Complainant

For Petitioners : M/s.D.Sivaraman, Advocate.

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

For Intervenor : Mr.V.Angusamy, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 686 Of 2019 on the file of the respondent police.

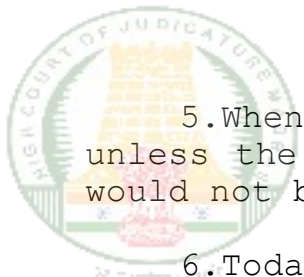
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, learned counsel appearing for the intervenor 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., and subsequently altered into an offence under Section 306 of IPC, in Crime No. 686 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The deceased in this case is one Aswini. She got married to one Arunachalam on 14.11.2013. Two children were born through the wedlock. Aswini committed suicide by hanging herself. She had also left a suicide note, in which, the petitioners herein have been specifically implicated.

4.The learned counsel appearing for the intervenor would point out that even though both of her sisters-in-law are at Chennai, the victim has implicated the third petitioner alone.



5. When the matter came up for hearing, I made it clear that unless the petitioners 1 and 2 surrender before the Court below, I would not be inclined to take up the case on merits.

6. Today, when the matter was taken up for hearing, the petitioner's counsel states that both the first and second petitioners have surrendered before the Court below.

7. The learned Government Advocate (Crl.side) confirms this statement.

8. I am of the view that the continued incarceration of the petitioners 1 and 2 is not going to serve any purpose. Likewise, the arrest of the third petitioner will also not advance the cause of investigation. I am not for a moment quashing the FIR or exonerating the petitioners herein. In this case, the husband of the deceased was already arrested and he was granted bail by me.

9. Taking note of the overall facts and circumstances, particularly, the act of surrendering by the petitioners 1 and 2, I am inclined to convert this petition for anticipatory bail to one of bail also. The petitioners 1 and 2 are granted bail. Accordingly, they are enlarged on bail. The petitioners 1 and 2 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 learned Judicial Magistrate, Rajapalayam.

10. The third petitioner is granted anticipatory bail. Accordingly, the third petitioner ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Rajapalayam, and on her 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 third petitioner shall appear before the respondent police as and when required for interrogation. The third petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

11. The third petitioner 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/-

10/02/2020

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



TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3 THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-2676[I] dated 10/02/2020)

ORDER

IN

CRL OP(MD) No.1442 of 2020

Date :10/02/2020

MS/PN/SAR-3/10.02.2020/3P.6C