



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5591 of 2020

1. K.Rajendran

2. R.Rajeswari

3. R.Anand Kumar

... Petitioners/Accused 1 to 3

Vs

The State Rep. By
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District - 630 302.

... Respondent/Complainant

For Petitioner : M/s Al.Ganthimathi,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime.No. of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

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



The petitioners herein are father, mother and son. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 498(A) of IPC and section 3 and 4 of D.P.Act the present petition is filed seeking anticipatory bail.

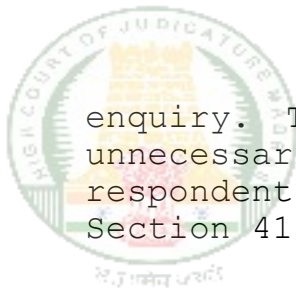
WEB COPY

2. The learned Senior Counsel appearing for the petitioners would submit that one Shobana wife of the third petitioner suffered severe injuries in the motor accident happened on 10.08.2019. After surgery though she recovered and discharged, she was suffering from other ailments like stomach pain, vomiting, giddiness and depression. On 17.02.2019 she consumed rat repellent paste and she was admitted in hospital. She underwent liver transplant surgery on 21.03.2017. While she was under post operative care in the hospital she died on 19.04.2020. A case has been registered under Section 174 of Cr.P.C in Crime No. 89 of 2020 regarding death of Shobana and the same is under investigation. While so nearly after three months of this incident Ashok Kumar, father of Shobana has given complaint against these petitioners making false allegations that the third petitioner had extra martial affair and the same was supported by the first and second petitioners. This caused depression to his daughter Shobana. It is contended by the learned Senior Counsel that the said complaint has been given only to take custody of the children and settle the property dispute according to the dictate of the defacto complainant. The petitioners being respectful persons in the community and permanent residents of Devakottai they are ready to co-operate with the enquiry, So arrest by the respondent is not warranted.

3. The learned Government Advocate(Crl.Side) would submit that online petition was received by the respondent police from one Ashok Kumar regarding suspicion over death of his daughter Shobana. Since First Information Report has already been registered in this regard in Crime No. 89 of 2020 on line petition of Ashok Kumar has been taken for petition enquiry and CSR No.101 of 2020 has been assigned. It is submitted by the learned Government Advocate that the respondent police is awaiting for post mortem report and only based on the post mortem report they will be able to proceed further in the complaint given by Ashok Kumar.

4. On perusing the petition and the medical records annexed along with this petition and on hearing the learned Government Advocate(Crl.Side) this Court is of the view that there is no necessity for arrest of the petitioners for the present in this case on the complaint of one Ashok Kumar.

5. Hence this petition for anticipatory bail is disposed of with a direction that the petitioner to co-operate for enquiry and appear before the respondent police as and when required for



enquiry. The respondent police shall not harass the petitioners unnecessarily during enquiry. In case of any necessity the respondent police shall follow the procedure contemplated under Section 41(A) of Cr.P.C and act in accordance with law.

WEB COPY

sd/-
02/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT - 630 302.

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

+1. CC to M/S AL.GANTHIMATHI Advocate SR.No. 5731

ORDER
IN
CRL OP(MD) No.5591 of 2020
Date :02/06/2020

PD/VR/SAR 2/03.06.2020/3P/4C