



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2020

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6641 of 2020

Rajathi, ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
(Crime No. 318/2019). ... Respondent/Complainant

For Petitioner : M/s S.Muniyandi,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 318 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 174 Cr.P.C., altered into Sections 498(A), 306 of I.P.C., in Crime No.318 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The learned Additional Public Prosecutor would submit that A1 is the husband of the deceased and A2 is the father-in-law of the deceased and the petitioner herein is the mother-in-law of the deceased.



4.Marriage between A1 and the deceased was held on 24.01.2016 and they begotten one male child. A1 is said to have affair with another woman, which lead to domestic disturbance and caused the deceased to commit suicide by hanging.

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5.A1 and A2 were arrested and released on bail by the lower Court. Considering the overt act and considering the fact that the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:-

(i)Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Virudhunagar on condition that the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(iii)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**

(iv)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6.The 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.

7.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
26/06/2020

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/ /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 JUDICIAL MAGISTRATE NO.2, VIRUDHUNAGAR.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6641 of 2020
Date : 26/06/2020

GNS
AE/PN/SAR-III (06.07.2020) 3P 5C