



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7823 of 2020

1. Alagar
2. Udhayakumar

... Petitioners/A-8 & A-9

Vs

The State Rep. by
The Inspector of Police,
Alangudi Police Station,
Pudukottai District.
Crime No. 468 of 2020.

... Respondent/Complainant

For Petitioners : M/s.M.Saravanan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.468 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as accused Nos.7 & 8 apprehending arrest at the hands of the respondent police for the offences punishable under sections 306, 176, 201 of IPC and Section 51(b) of DM Act in Crime No.468 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Village Administrative Officer of Thiruvarankulam, Alangudi Taluk. On 11.06.2020, the daughter of the first accused, namely; Savithri has committed suicide at her own house and without informing the same to the Revenue Officials and the Police, the petitioners and other accused persons said to have proceeded with funeral and cremated the body of the deceased. Hence, the complaint.



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

4. The learned counsel appearing for the petitioners submitted that no such occurrence had happened as alleged by the prosecution. He further submitted that the daughter of the first accused, the deceased Savithri has fallen love with one Vivek and on 08.06.2020 she left out from home with the said Vivek and on the same day, during the vehicle check up, the deceased Savithri and Vivek were detained by the Police officials from Kulithalai Police Station, Karur District. After the enquiry, the police officials came to know that the said Vivek is aged about only 20 years and hence, the police officials have advised the deceased Savithri and Vivek to go with their respective parents. Accordingly, the deceased Savithri was secured by her parents/first accused and subsequently, the deceased has committed suicide by hanging and her body was cremated. He further submitted that the name of the petitioners were not mentioned in the First Information Report and based on the confession statement give by the co-accused, their names were included. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners who are arrayed as accused Nos.8 & 9. He further submitted that the accused Nos.1 to 7 were arrested and released on bail by order of this Court, dated 10.07.2020 in Crl.O.P. (MD) No.6886 of 2020.

6. Considering the facts and circumstances of the case and also considering the fact that the accused Nos.1 to 7 were already released on bail by order of this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif-Cum-Judicial Magistrate, Alangudi, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2020

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

ORDER
IN
CRL OP(MD) No.7823 of 2020
Date :28/07/2020

KSA

TE/AKM/SAR-II : 17/08/2020 : 3P/5C

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