



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

Date : 31/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7771 of 2020

1. Maruthai
2. Alagumani

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by
The Sub Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(Crime No.148 of 2020)

... Respondent/Complainant

For Petitioners: Mr.J.Anandkumar,
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. 148 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 306 of IPC, in Crime No.148 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are parents of A1. The deceased, namely, Sathya, married A1, who is the son of the petitioners. It is a love marriage. After the marriage, due to family dispute, there was a wordy quarrel between A1 and the deceased, the petitioners were said to have scolded the deceased, in which, the petitioner left the matrimonial home and stayed parental house. Prior to the occurrence, A1/husband took the deceased to the matrimonial home. At that time, the first petitioner was said to have scolded the deceased, subsequently, she said to have committed suicide. Hence, the present 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 the deceased was living with A1 happily in the matrimonial home and thereafter, she left the matrimonial home. At the instance of the petitioners, A1 was said to have taken the deceased to the matrimonial home. Subsequently, she was said to have committed suicide. He further submitted that the petitioners are in no way connected with the alleged offence and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

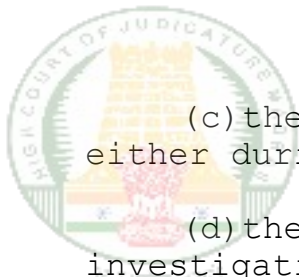
5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a love marriage between A1 and the deceased. He further submitted that the petitioners are parents of A1 and the only allegation against the petitioners is that they abused the deceased and subsequently, she was said to have committed suicide.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that due to family dispute, there was a wordy quarrel between A1 and the deceased, she left the matrimonial home and thereafter, A1/husband took the deceased to the matrimonial home and lived together happily, subsequently, she was said to have committed suicide by hanging. Considering the above circumstances, even as per the FIR, the allegations against the petitioners is that they are said to have scolded the deceased and there is no serious allegation against them, 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 Judicial Magistrate, Illupur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 <https://helpline.mca.gov.in/helpline> 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;

WEB COPY (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/-
31/07/2020

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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, ILLUPUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7771 of 2020
Date :31/07/2020

MS/JC/SAR-2/04.08.2020/3P.5C