



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/08/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.8223 of 2020

Anand

... Petitioner/  
Accused rank not known

Vs

The State rep. by  
The Inspector of Police,  
Eraniel Police Station,  
Kanyakumari District.  
(In Crime No.151/2020).

... Respondent/Complainant

For Petitioner : Mr. Niranjan S. Kumar,  
Advocate.

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

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

**PRAYER :-**

For Anticipatory Bail in Crime No.151/2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner, who is the sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 306 of IPC, in Crime No.151 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. It is stated that earlier the deceased is having illegal intimacy with the petitioner, thereafter, she got married to another person, out of their wedlock, she is having two children, and thereafter, the deceased's husband went to abroad. Once again, the deceased developed intimacy with the petitioner and also compelled him to marry her and the same was refused by the petitioner, thereby, the deceased said to have committed suicide and thereafter she died. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the deceased is having illegal intimacy with the petitioner and also compelled him to marry her and the same was refused by the petitioner, hence, the deceased said to have committed suicide. Hence, the crime has been registered against the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact the deceased already got married to another person and she is having two children and the deceased said to have compelled the petitioner to marry her, when the same was refused by the petitioner, she said to have committed suicide, considering the above circumstances and there is no specific allegation attributed against the petitioner for abetment of suicide, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

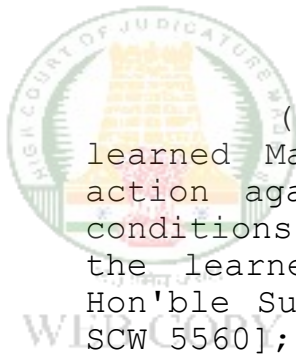
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]; and;

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

sd/-  
06/08/2020

/ 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 JUDICIAL MAGISTRATE,  
ERANIEL.
2. DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,  
ERANIEL POLICE STATION,  
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.8223 of 2020  
Date :06/08/2020

VSG

<https://hservices.ecourts.gov.in/hservices/> SPS/ VP/ SAP-II/ 14.08.2020/ 3P/5C