



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

Date : 14/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8438 of 2020

Parveen

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy.
Crime No.773 of 2020

... Respondent/Defacto Complainant

For Petitioner : M/s.K.Yasar Arafath,
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.773 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner is arrayed as accused No.1 in Crime No.773 of 2020, on the file of the respondent police for the offences punishable under Section 306 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had fell in love with the de-facto complainant's son and both belong to different religion. Subsequently, the petitioner's mother refused to get her married to the de-facto complainant's son. Hence, the de-facto complainant's son had committed suicide.

3.The learned counsel for the petitioner would submit that the petitioner was not willing to get married to the de-facto complainant's son. But the de-facto complainant's son only



adamantly following the petitioner, finally due to frustration committed suicide and the petitioner no way abetted him. He would further submit that the petitioner is innocent and she has nothing to do with the alleged offence.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner's mother/A-2 was granted anticipatory bail by this Court in Crl.O.P.(MD)No.7853 of 2020.

5.Considering the facts and circumstances of the case and also considering the fact that only allegation against the petitioner is that she refused to marry the deceased, consequently, he had committed suicide, there is no prima facie material available to attract Section 306 of IPC and also taking note of the fact that the co-accused was granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/08/2020

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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 JUDICIAL MAGISTRATE NO III, TRICHY.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8438 of 2020
Date :14/08/2020

SJI
TK/AKM/SAR.2/18.08.2020/3P/5C