



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

Date : 20/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.8550 of 2020

1. Maharajan,

2. Parameswari,

...Petitioners/A1 and A2

Vs

The Inspector of Police,
Chinna Kovilankulam Police Station,
Tenkasi District.
(Crime No. 208 of 2019).

...Respondent/Complainant

For Petitioners : M/s S.Sathya Chidambaram,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No. 208 of 2019 on the file
of the respondent police

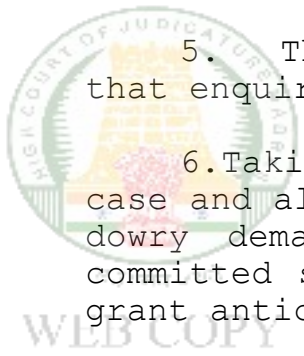
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
174(3) of Cr.P.C @ Section 306 of IPC, seek anticipatory bail.

2. Heard both sides.

3.The first petitioner is the husband and the second petitioner
is the mother-in-law of the deceased. The case of the prosecution is
that the deceased was married to the first petitioner and they got
two children and there was a marriage proposal to the sister of the
deceased, in which there was a dispute between two families.
Thereafter the deceased is said to have committed suicide. Hence
the complaint . Based on the complaint a crime was initially
registered under Section 174(3) Cr.P.C and after investigation it
was altered to Section 306 of IPC.

4. The learned counsel for the petitioners would submit that
the petitioners are innocent and they have been falsely implicated
in this case and the deceased would have committed suicide due to
some family dispute.



5. The learned Government Advocate (Crl.Side) would submit that enquiry is being conducted by the Executive Magistrate.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no allegation of dowry demand and harassment and the deceased is said to have committed suicide due to family dispute, 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, Sankarankovil, Tenkasi District 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;

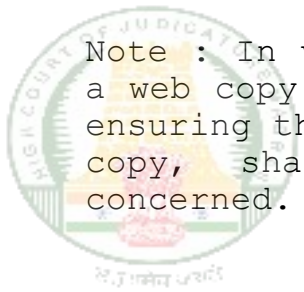
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
20/08/2020

/ 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

WEB COPY

- 1.The Judicial Magistrate,
Sankarankovil,
Tenkasi District.
- 2.Do Through The Chief Judicial Magistrate,
Tenkasi District.
- 3.The Inspector of Police,
Chinna Kovilankulam Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,]
Madurai.

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TR/RSK/SAR-III(24.08.2020) 3P 5C