



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

Date : 25/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8580 of 2020

Solaiyammal

... Petitioner/Accused

Vs

State of Tamilnadu,
Rep.by The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
Crime No.129/2020.

... Respondent

For Petitioner : Mr.U.Kasipandian,
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.129/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 323 and 306 of IPC and under Section 4 of Tamilnadu Prohibition of Women Act, in Crime No.129 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sister-in-law of the deceased. The defacto complainant is the brother of the deceased. The allegation against the petitioners is that due to family dispute, there was a wordy quarrel between the petitioners and the deceased, due to which, the deceased said to have committed suicide by consumed poison. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the wife of A2 and she has been falsely implicated in this case. He further submitted that this Court already granted bail to A1 to A3, in Crl.O.P.(MD).No.8599 of 2020, dated 25.08.2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that initially a case was registered under Section 174 of Cr.P.C., and after, the case was altered into Sections 323 and 306 of IPC and under Section 4 of Tamilnadu Prohibition of Women Act. He further submitted that A1 to A3 have already been arrested and released on bail.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the records, it is seen that the deceased said to have committed suicide in the A1's house, due to family dispute and there is no specific overt act attributed against the petitioner for abetment and A1 to A3 have already been arrested and released on bail, hence, 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 No.II, Kovilpatti, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/08/2020

/ 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 NO.II, KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.U.KASI PANDIAN, Advocate (SR-6088[I] dated 25/08/2020)

ORDER
IN
CRL OP(MD) No.8580 of 2020
Date : 25/08/2020

vsg

AE/AKM/SAR-II (27.08.2020) 3P 6C

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