



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8945 of 2020

Muthumurugan

... Petitioner/Accused No.1

Vs

The State through
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.106/2019).

... Respondent/Complainant

For Petitioner : Mr.K.R.Laxman,
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. 106 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offence punishable under section 306 of IPC, in Crime No.106 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased is the wife of the petitioner herein. The second marriage between the petitioner and the defacto complainant had taken place on 13.03.2019. Thereafter, they were living together, for some times, and the petitioner has doubted the behaviour of the deceased. During that period, the petitioner said to have harassed the deceased and also physically assaulted her. Due to which, the deceased said to have committed suicide by pouring kerosene and set fire to herself. 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 deceased already got married another person on 24.01.219, suppressing the above said fact, the parents of the deceased arranged marriage of the deceased with this petitioner. Thereafter, the petitioner came to know about the said fact, the petitioner never harassed the deceased. He further submitted that the deceased was not interested in the matrimonial life as the deceased was in love with another man, and due to which, the deceased said to have committed suicide. He further submitted that there is no demand for dowry from the deceased. 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 the marriage between the petitioner and the deceased took place on 13.03.2019. Thereafter, the petitioner said to have harassed the defacto complainant and physically assaulted her. Due to the same, the deceased said to have committed suicide. Hence, the crime has been registered.

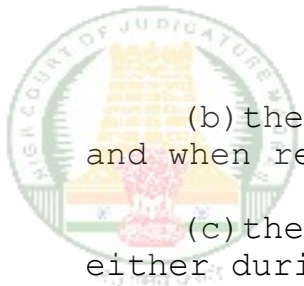
6. The case of the petitioner is that, the deceased already got married to another person prior to this marriage. When the same was questioned by the petitioner, there was a quarrel between the petitioner and the deceased. Due to which, the deceased said to have committed suicide. On perusal of the suicide note, there is no demand for dowry from the deceased.

7. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the available records, it is seen that the occurrence said to have taken place in a wordy quarrel and there is no demand for dowry from the petitioner and except wordy quarrel, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate Court, Aruppukottai, Virudhunagar District, 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

<https://hservices.mca.gov.in/hservices/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/-
04/09/2020

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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,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8945 of 2020
Date :04/09/2020

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AE/VR/SAR-I (10.09.2020) 3P 5C

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