



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9432 of 2020

1. Selvi
2. Ganesan @ Mennappan
3. Ramu @ Manickam
4. Subramaniyan

... Petitioners/Accused No.3,5,6
&Rank not known

Vs

The State rep. by
The Inspector of Police,
Thirumayam Police Station,
Pudhukottai district.
(Crime No. 367 of 2020).

... Respondent/Complainant

K.Panchali

... Petitioner/Intervener
(in CRL MP(MD) No.4510/2020
in CRL OP(MD) No.9432/2020)

For Petitioners: M/s.A.Arunprasad,
Advocate.

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

For Intervenor : Mr.J.Sulthan Basha,
Advocate.

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

PRAYER :-

For an Anticipatory Bail in Crime No.367 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.3,5,6 and rank not known, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 143, 176, 201 of IPC r/w 51(b) of Disaster Management Act, in Crime No.367 of 2020, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the first petitioner is the mother-in-law of the deceased and other petitioners are relatives of the first petitioner. The allegation is that the deceased and A-1 got married and both are living happily. Thereafter, A-1 had illicit intimacy with another lady and the same was questioned by the deceased, due to which, there was a wordy quarrel between them on 19.08.2020, in which, the father of the deceased and relatives went to the house of A-1 and there was a compromise between the parties and he has also advised the deceased. Thereafter, in the midnight on 19.08.2020, the deceased said to have committed suicide. Based on the complainant given by her mother, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the first petitioner is the mother-in-law of the deceased and others are relatives and absolutely there is no allegation of any abetment made by these petitioners. Only the allegation is that A-1 in this case, said to have some illegal intimacy with some other lady, due to which, there was a wordy quarrel between the husband and wife, in which, there was a compromise between the parties by the deceased father and it was compromised between them. Subsequently, she committed suicide.

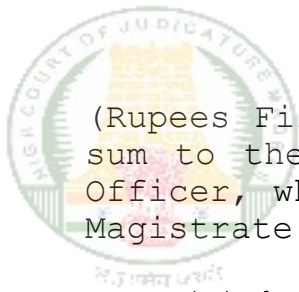
4.The learned counsel appearing for the intervenor would submit that, A-1 said to have quarrelled with the deceased, on the information given by the deceased, the deceased father went to the house of A-1 along with his relatives and conducted mediation. Subsequently, on the very same day, despite the fact that A-1 and the deceased are living together and the petitioners did not take care of her, and abetted the deceased to commit suicide.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.

6.On perusal of the First Information Report, it is seen that the there was a wordy quarrel between A-1 and the deceased. On the date of occurrence, there was a mediation by the deceased father. Thereafter, on the same night, the deceased said to have committed suicide. Insofar as these petitioners are concerned, there is no substantial allegation levelled against them.

7.Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, on condition



(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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/09/2020

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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,
THIRUMAYAM.

<https://hcservices.ecourts.gov.in/hcservices/>



2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9432 of 2020
Date :10/09/2020

SJI
SRS/ PN/ SAR-I/ 16.09.2020/ 4P/5C