



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9612 of 2020

1. Ganesan
2. Ganthi
3. Yogiya Devi

... Petitioners/Accused No.1to3

Vs

The State rep. by
The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
(Crime No.199 of 2020).

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.199 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed A-1 to A-3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 336, 354, 506(ii) of I.P.C. and Section 4 of Tamil Nadu Women Harassment Act @ 294(b), 336, 354, 506(ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act and Section 306 of IPC, in Crime No.199 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. On 09.08.2020, there was a wordy quarrel between the petitioners and the de-facto complainant and her daughter, in which, the petitioners said to have attacked the de-facto complainant and her daughter and also abused them with filthy language. On that frustration, the de-facto complainant's daughter said to have consumed poison. Immediately, she was admitted



in the hospital. Subsequently, on 16.08.2020, she was died. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners and the de-facto complainant are relatives. He would further submit that there was a wordy quarrel between the parties, in which, the petitioners said to have attacked the de-facto complainant and her daughter and there is no allegation for abetment was made out against these petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that there was a wordy quarrel between the parties, in which, the petitioners said to have attacked the de-facto complainant and her daughter. Due to which, the de-facto complainant's daughter consumed poison and died after a week. Based on the complainant given by the de-facto complainant, the case has been registered.

5.On perusal of the records, it is seen that both are neighbours, there was a wordy quarrel between the parties, in which, the petitioners said to have attacked the de-facto complainant and her daughter and also abused them with filthy language. On that frustration, the deceased consumed poison and immediately admitted in the hospital on 09.08.2020 and died after a week on 16.08.2020.

6.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and there is no other serious allegation made out against these petitioners, I am 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 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 Court, Muthukulathur, Ramanathapuram 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
<https://hccasecourtsclerk.in/mservices/> 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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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,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-6388[I] dated 11/09/2020)

ORDER IN
CRL OP(MD) No.9612 of 2020
Date :10/09/2020

SJI
SRS/ AKM/ SAR-III/ 14.09.2020/ 3P/6C