



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD).No.10189 of 2020

1. Suresh

2. Satheeshkumar

... Petitioners/A3 and A4

Vs

The State rep. by
The Inspector of Police,
Aathanakkottai Police Station,
Pudukkottai District.
(In Cr.No.156 of 2020)

... Respondent/Complainant

For Petitioners: Mr. B. Jameel Arasu, Advocate.

For Respondent : M/s. S. E. Veronica Vincent,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Cr.No.156 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 & A4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 294(b), 352, 354, 506(i) and 306 IPC r/w Section 4(B)(i) of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.156 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the deceased is the wife of the second petitioner and the marriage took place eight years ago. Prior to the occurrence, the deceased and the second petitioner/A4 were working at Tiruppur and both of them living there and also got two children. Thereafter, they came back to the village and the second petitioner/A4 said to have asked partition in the family properties, which was denied by A1 and A2. Hence, there was quarrel arose between the parties in the family. On the date of occurrence once again there was a wordy quarrel between another accused regarding to putting up shed in the property. At that time



all the accused said to have abused the defacto complainant. Due to the same, the defacto complainant committed suicide. Hence, the case has been registered.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that due to partition in the family property the dispute arose between the family members. Due to which, the deceased committed suicide. He further submitted that A1 and A2 have already been arrested and released on bail. Hence, he prayed for grant of anticipatory bail to the petitioners.

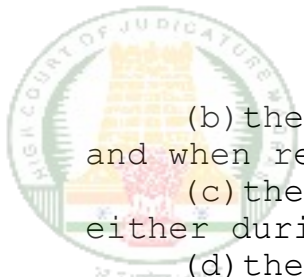
5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the deceased is the wife of A4. Due to the family dispute all the accused abused the deceased and also criminally intimidated her, whereby, the deceased committed suicide. He would further submit that A1 and A2 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 due to partition in the land the dispute arose between the parties there was a quarrel arose in the family. On the date of occurrence A2 putting up shed in the property, there was a wordy quarrel aroused between the parties, subsequently, the deceased/wife of A2 said to have committed suicide, considering the fact that A1 and A2 have already been arrested and released on bail, considering all these circumstances, there is no allegation against the petitioners, 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 District Munsif cum Judicial Magistrate, Gandarvakkottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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

<https://hdservicescourts.gov.in/hdservices/> 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

ORDER

IN

CRL OP(MD) No.10189 of 2020

Date :23/09/2020

VSD

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