



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10282 of 2020

1.VASANTHA

2.S.RAJENDRAN

... PETITIONERS/ACCUSED 1 & 2

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
CRIME NO.257 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.S.Siva Thilakar,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

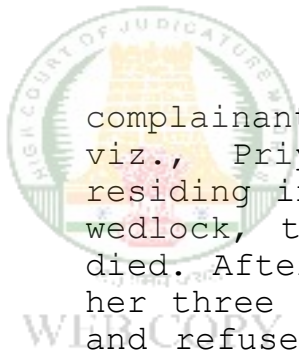
PRAYER :-

For Anticipatory Bail in Cr.No.257 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 306 of I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.257 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are sister and brothers. While being so, their younger sister viz., Saratha got married one Viswanathan. Out of their wedlock, they are blessed with one male child viz., Ramadoss. After 10 years, they died leaving behind Ramadoss, who was then brought by the first petitioner, who is a spinster and retired service. The complainant had taken care of the said Ramadoss. The defacto



complainant is brother of the petitioners and he gave her daughter viz., Priyadarshini for marriage with Ramadoss and they were residing in the upstairs house of the first petitioner. Out of their wedlock, three children were born. Thereafter, the said Ramadoss died. After demise of the said Ramadoss, the said Priyadarshini and her three children were chased out from the first petitioner's home and refused to give any share in the property and threatened them with dire consequences and the second petitioner has also beaten one of her children. Thereafter, the defacto complainant's daughter and her three children have committed suicide by consuming rat poison. Thereafter, the defacto complainant and her two children died and one of the children was saved by giving proper treatment. 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 after demise of the said Ramadoss, the defacto complainant's daughter and her three children have committed suicide by consuming rat poison. Thereafter, at the intervention of the petitioners, one of the child was saved. Insofar as other allegations are concerned, they are no way connected to the said occurrence. He further submitted that she had no child and as such, she had given her upstairs house to the first 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 adopted son of the first petitioner viz. Ramadoss, who got married the daughter of the defacto complainant. Thereafter, the said Ramadoss died. After the demise of the said Ramadoss, the first petitioner has driven out the defacto complainant's daughter along with three children from her house. Therefore, the defacto complainant's daughter and her three children have committed suicide by consuming rat poison, fortunately, one of the child was saved and others died. He further submitted that initially a case was registered under Section 174 of Cr.P.C., and after, the case was altered into Section 306 of IPC and under Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

6. On perusal of the records, it is seen that totally there are two accused in this case, in which, the petitioners arraigned as A1 and A2 and they are sister and brother and their younger sister's son viz., Ramadoss, who got married the defacto complainant's daughter and gave birth to three children and all of them were under custody of the first petitioner and they were staying in the house of the first petitioner. While being so, the said Ramadoss died due to illness. Thereafter, the first deceased and her children were

<https://hcceremcoursenot.in/hccerem/>



petitioner is concerned, he has also beaten one of the deceased. Therefore, the defacto complainant's daughter and her three children have committed suicide by consuming rat poison. Unfortunately, one of the children was saved and others died.

7. Considering the facts and circumstances of the case and also considering the rival submissions made on either side that the second petitioner has beaten one of the deceased and the fact that there is serious allegation against the second petitioner, in view of the above circumstances, I am not inclined to grant anticipatory bail to the second petitioner.

8. Hence, this Criminal Original Petition is dismissed in respect of the second petitioner.

9. In so far as the first petitioner is concerned, there is no serious allegation against her. Considering the above facts and circumstances of the case and also considering the rival submissions, I am inclined to grant anticipatory bail to the first petitioner with certain conditions.

10. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the first 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 first 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 first petitioner shall report before the respondent police as and when required for interrogation.

(c) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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)



(f) if the accused/first petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/10/2020

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

+1 CC to M/s.S.SIVATHILAGAR, Advocate (SR-6790[I] dated
06/10/2020)

ORDER
IN
CRL OP(MD) No.10282 of 2020
Date :05/10/2020

vsg
JM/PN/SAR III/12.10.2020/4P/6C