



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2020

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11895 of 2020

1. S.Nivedhan
2. S.Kaviarasan @ Kaviarasu
3. Kaliyasundaram

... Petitioners/Accused 3 to 5

Vs

The State Rep. by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
(Crime No.864 of 2020)

... Respondent/Complainant

For Petitioners : M/s.B.Karthikeyan, Advocate.

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

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

PRAYER :-

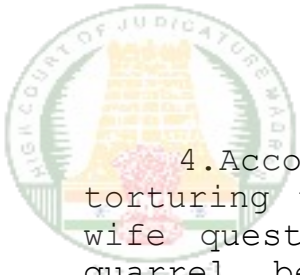
For Anticipatory Bail in Crime No.864 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C. altered into Section 306 IPC in crime No.864 of 2020, seek anticipatory bail.

2. Heard both sides.

3. According to the petitioners, four years ago the deceased Arthi and one Sundar had love affair, in which, Sundar had insisted the deceased's father, who is the defacto complainant, to give her marriage to him. But since Sundar's family are in the poverty line, the defacto complainant refused to give her daughter on marriage. According to the petitioners, Sundar has moved on with his life and got married to one Sudha and also got a female child, called Yazhini.



4. According to the petitioners, the deceased Arthi kept on torturing the said Sundar to marry her. Due to the same, Sundar's wife questioned the same on 02.09.2020, which resulted in wordy quarrel between the wife of Sundar and the deceased Arthi. According to the petitioners, as seen from FIR the date of occurrence of the wordy quarrel was on 02.09.2020. But, the complaint was given only on 10.09.2020. According to the petitioners, if Sundar's wife instigated the deceased to take poison on 02.09.2020, the defacto complainant would have given complaint before the respondent police on 02.09.2020 itself. But the complaint was given only on 10.09.2020. According to the petitioners, the defacto complainant has foisted false complaint against the petitioners only to take revenge against them.

5. It is also stated in the petition that the accused Nos.1,2 and 6, who are the prime accused, have already been released on bail by order of this Court dated 07.10.2020 in CrI.O.P.(MD)Nos.10909 & 10926 of 2020. The said order has also been enclosed in the typed-set of papers.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the co-accused have already been released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

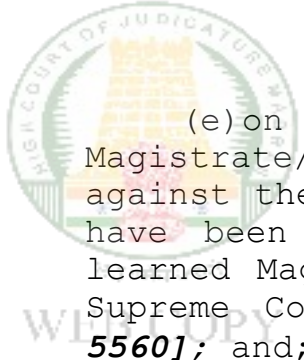
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2020

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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 No.III, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11895 of 2020
Date :22/10/2020

GNS
TE/VR/SAR-IV : 28/10/2020 : 3P/5C