



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13889 of 2020

Sekar ... Petitioner/Accused Rank No.1

Vs

The State, Represented by, its,
The Inspector of Police,
Varusa Nadu Police Station,
Theni District.
Crime No. 569/2020.

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.

For Respondent : Mrs.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

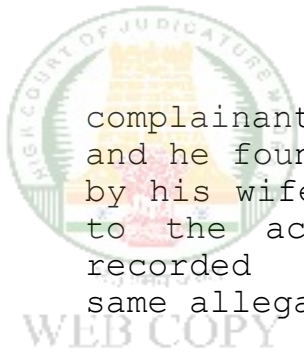
For Anticipatory bail in Crime No. 569 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 306 of
IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that 14.09.2020 at about 09.30
pm., the defacto complainant left his home for a routine work for
irrigating his plants thereafter on the next day the defacto
complainant returned back to his home and knocked the door. Although
the door as found to be locked inside , his wife has not opened the
door, thereafter the defacto complainant found that his wife hanged
in the ceiling fan of his home and thereafter the defacto



complainant opened his house door with the help of his neighbors and he found that his wife died and found a letter which was written by his wife, in which she has stated that she committed suicide due to the act of the accused persons. Further the deceased also recorded audio in her mobile phone, in which she also made very same allegation which was recorded by her in her suicide note.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.

5. The learned Government Advocate(Crl.Side) would submit that the deceased committed suicide because of the act of the petitioner.

6. On perusal of the suicide note of the deceased submitted by the learned Government Advocate(Crl.Side) reveals that two days prior to the occurrence the petitioner scolded the deceased with filthy language and there is no evidence to show that the petitioner instigated or abetted the deceased to commit suicide.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no evidence to show that the petitioner instigated the deceased to commit suicide, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

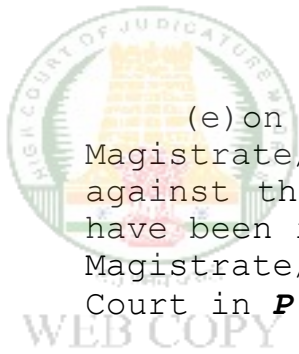
8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

(d) the petitioner shall not abscond either during investigation



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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) AIR SCW 5560]***; and;

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

sd/-
03/12/2020

/ TRUE COPY /

/ /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, ANDIPATTI.
2. -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
VARUSA NADU POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.S.JEYAKARTHIK Advocate SR.No.7886

ORDER
IN
CRL OP(MD) No.13889 of 2020
Date : 03/12/2020

AAV
AE/JC/SAR-II (08.12.2020) 3P / 6C