



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

Date : 11/12/2020

PRESENT

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

CRL OP(MD) . No.14589 of 2020

A.Esakki Ulaguraj ... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No. 114 of 2020. ... Respondent/Complainant

For Petitioner : M/s.Aayiram K.Selvakumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.114 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under section 306 of
I.P.C., in Crime No.114 of 2020 on the file of the respondent
police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner put a
status "miss you" by mentioning the defacto complainant's daughter.
It was seen by the defacto complainant's son and the same was
informed to the defacto complainant. The defacto complainant



questioned the same. Since she did not accept the same, she committed suicide by way of self immolation. Hence, a case has been registered.

4. The learned counsel for the petitioner submitted that the petitioner had never put the status with an intention to hurt or damage the life of the defacto complainant and he has been falsely implicated.

5. The learned Government Advocate (Crl. Side) submitted that in view of the status of the petitioner, the deceased committed suicide by pouring kerosene and burned herself. It is very serious offence and the custodial interrogation of the petitioner is warranted. Hence, he prays for dismissal of this petition.

6. It is seen that the petitioner put the status not to hurt and spoil any one life. There is no material to show that the petitioner instigated the defacto complainant to commit suicide. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Tirunelveli, and on his executing 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 two 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 or trial;

(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/-
11/12/2020

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

ORDER
IN
CRL OP(MD) No.14589 of 2020
Date :11/12/2020

IAS
AE/JC/SAR-II (17.12.2020) 3P / 5C