



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16662 of 2021

1 MALLIGA [PETITIONERS / ACCUSED]
2 MAHESWARI @ UMA MAHESWARI
3 MATHI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
G-1, MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.
(CRIME NO.569/2021)

For Petitioner : M/S M.KAVERISELVAM Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Section 304(B) of IPC in Cr.No.569 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were in-laws of the defacto complainant's sister where the accused/A-1 and the petitioners harassed the lady for money and property, as a result of which, she committed suicide. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that allegation is against A-1 and no allegation made against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the third petitioner is not an accused and A-1 already arrested and further submits that the investigation is pending. Hence, he opposed for granting anticipatory bail to the petitioners.



5. A perusal of the materials reveal that serious allegation are made only against A-1 and not against the petitioners where the petitioners are only in-laws of the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Maduranthakam, Chengalpattu**, 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 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 Court concerned 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 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/-
13/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO



2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
G-1, MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S M.KAVERISELVAM Advocate on payment of necessary
charges SR.NO.10014

CRL OP.16662/2021

Date :13/09/2021

TA-28/09/2021