



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18560 of 2021

RADHA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ADIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.
CRIME NO.448 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.GURUPRASAD Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 174 of Cr.P.C. Altered to 306 of I.P.C in Crime No448 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was love affair between A2 and daughter of the defacto complainant and thereafter the petitioner's son/A2 did not come forward to marry the deceased, due to which, she had consumed poison and she died. Hence the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and she has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate submits that this Court had granted bail to the co-accused in Crl.O.P.No.18016 of 2021 dated 28.09.2021. However he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the co-accused have been granted bail by this Court in Crl.O.P.No.18016 of 2021 dated 28.09.2021, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 No.II, Dharmapuri on condition that each of the petitioners shall execute a separate 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 petitioner 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 petitioner shall report before the respondent police 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 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.

WEB COPY

-sd/-

05/10/2021

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

1 THE JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ADIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges SR.NO.11047

CRL OP.18560/2021

Date :05/10/2021

RW 26/10/2021