



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Fifth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18567 of 2021

1 C.KARTHICK
2 C.KAMALAM

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
PALLADAM,
TIRUPPUR DISTRICT.
CRIME NO.2196/2020.

[RESPONDENT]

For Petitioner : M/S. P.M.DURAI SWAMY 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 petitioners, who apprehend arrest for the alleged offence under Section 174(3) of Cr.P.C and thereafter, altered the Section into for the alleged offences under Section 498(A) & 306 IPC in Cr.No.2196 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was performed between petitioner/A-1 and one Gomathi in the year 2019. There arose frequent quarrel between the petitioners and one Gomathi due to which she was subjected to mental stress and had committed suicide. Hence, the brother of the deceased/defacto complainant lodged a complaint against the petitioners. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) submits that the quarrel arose between the petitioners and one Gomathi due to which the said lady committed suicide. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the allegation levelled against the petitioner/A-1, this Court is not inclined to grant anticipatory bail to the petitioner/A-1 and the anticipatory bail petition is dismissed for the petitioner/A-1. However, there is no specific overt act against the petitioner/A-2, this Court is inclined to grant anticipatory bail to the petitioner/A-2.

6. Accordingly, the petitioner/A-2 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palladam, Tiruppur District on condition that the petitioner/A-2 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner/A-2 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/A-2 shall appear before the respondent police as and when required for interrogation;

(c) the petitioner/A-2 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner/A-2 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/A-2 in accordance with law as if the conditions have been imposed and the petitioner/A-2 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.

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-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,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR DISTRICT (FOR INFORMATION) .

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
PALLADAM,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. P.M.DURAI SWAMY Advocate on payment of necessary charges SR.NO.11194

CRL OP.18567/2021

Date :05/10/2021