



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19119 of 2021

PERIYASAMY

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
VIRUDHACHALAM POLICE STATION,  
CUDDALORE DISTRICT  
(CRIME NO.949/2021)

For Petitioner : M/S M.SELVAM 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 Section 306 of IPC in Crime No.949 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's brother's(deceased) second daughter was married to the 1st accused in this case. The first accused was an alcoholic addict and often quarrelled with his wife in an inebriated condition, Hence, his wife left her matrimonial home and lived with his father. On an incident, the first accused along with father and others came to his wife's house for mediating to send her back, the same was refused by the deceased. As a result of which, there was a wordy quarrel between them and thereafter, the deceased recorded a voice message and committed suicide . Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has come to the deceased's house for pacifying the matrimonial dispute and he is in no way connected with such offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that investigation is pending.

5.Considering the submissions made by both counsel and also considering the facts that there is no specific overt act against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Virudhachalam, 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 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 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 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/-  
28/10/2021

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.I, VIRUDHACHALAM.

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

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VIRUDHACHALAM POLICE STATION,  
CUDDALORE DISTRICT.

+1 CC to M/S M.SELVAM Advocate on payment of necessary charges  
SR.NO.12084

CRL OP.19119/2021

Date :28/10/2021

RW 12/11/2021