



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.469 of 2021

Vigneswaran

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
Jambunathapuram Police Station,
Jambunathapuram,
Trichy District.
Crime No.527 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

PRAYER :-

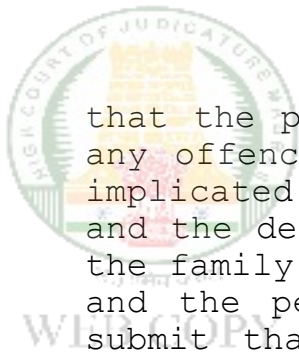
For Anticipatory Bail in Crime No.527 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C., altered into Section 306 IPC in Crime No.527 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the on the pretext of love, petitioner herein harassed the deceased, who is aged about 15 years. On knowing the same, the family members of the deceased warned the petitioner. Even thereafter, the petitioner harassed the deceased girl and therefore, she committed suicide by hanging. Hence, the present complainant.

<https://hcservices.courts.gov.in/hcservices/> 3.The learned counsel appearing for the petitioner submitted



that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner and the deceased girl loved each other and the same was objected by the family members of the deceased. Therefore, she committed suicide and the petitioner is not caused for the same. He would further submit that A2 in this case was arrested and released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the petitioner and the deceased were residing in the same village and the petitioner had love affair with the deceased despite the same was resisted by her. The deceased's family members warned the petitioner, even thereafter, the petitioner constantly harassed the deceased and hence, she committed suicide by hanging. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner and the deceased were residing in the same village. The contention of the petitioner is that he and the deceased girl loved each other and the same was objected by the family members of the deceased. Therefore, she committed suicide and the petitioner is not caused for the same.

6.Considering the above facts and circumstances of the case and considering the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thuraiyur, 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall appear 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/01/2021

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/ /2021

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

ORDER

IN

CRL OP(MD) No.469 of 2021

Date :18/01/2021

GNS

<https://hccs.ecs.courts.gov.in/ncs/ves> 01.2021/3P/5C