



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2924 of 2021

1. Thirumeni

2. Thirunavukkarasu

... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
(Crime No.870 of 2020).

... Respondent/Complainant

For Petitioner : Mr.R.Anburaj,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.Crime No.870/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 326, 341, 506(ii) and 302 of IPC, in Crime No.870 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 14.11.2020 one Ajit Kumar had love marriage with one Divya, who is the sister of the petitioners. Thereafter, on 30.11.2020, the said Divya said to have committed suicide by hanging herself in Cow shed. Due to which, the petitioners and their family members said to have abused the mother of the respondent and also attacked her by using legs and spade and



thereafter, she was admitted in the hospital and died. Hence, the present complaint.

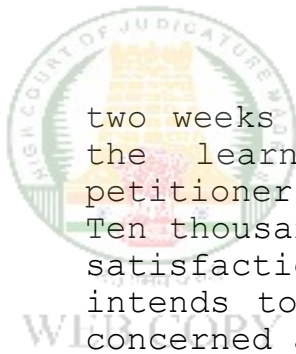
3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners' sister viz., Divya got married one Ajit Kumar and thereafter, due to matrimonial dispute, the petitioners' sister said to have committed suicide by hanging herself. When the same was enquired by the petitioners and their family members, the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on 14.11.2020 one Ajit Kumar had love marriage with one Divya, who is the sister of the petitioners. Thereafter, on 30.11.2020, the said Divya said to have committed suicide by hanging herself in Cow shed. Due to which, the petitioners and their family members said to have abused the mother of one Ajit Kumar and also attacked her by using legs and spade and thereafter, she was admitted in the hospital and died.

5.On perusal of the materials available on records, it is seen that the petitioners' sister viz., Divya, who eloped the parental home on 14.11.2020 and married one Ajit Kumar, who is the son of the deceased. Thereafter, due to matrimonial dispute, the petitioners' sister said to have committed suicide by hanging herself. Thereafter, the petitioners and the father of the deceased viz., Annaduri had gone there and find out the reason for the death of the said Divya, at that time, there was a wordy quarrel between the petitioners and the defact complainant's family members, due to which, the petitioner and the defacto complainant attacked each other with wooden sticks. Due to which, the deceased had taken to the Government Hospital and on the same day she died. The accident Register is clearly stated that 10 identified persons have attacked the mother of one Ajith kumar. Thereafter, the deceased after 40 days taking treatment, had died on 19.12.2020. On perusal of the postmortem certificate, it is seen that the deceased had suffered injuries on right lower limb and left lower limb and the injuries on right vital parts. It is also seen that in this case investigation is almost over and awaiting for forensic report and there is no specific overt act attributed against the petitioners and it is also seen that due to sudden death of their sister, the entire occurrence said to have taken place.

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on <https://hcservices.com> in lieu of arrest or their appearance, within a period of



two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Orathanadu, 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 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(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/-
24/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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,
ORATHANADU.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP(MD) No.2924 of 2021
Date :24/02/2021

NR/VR/SAR-3(02.03.2021) 4P:5C