



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2899 of 2021

Thillai Rahman @ Abdul Rahman

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram Disstrict-623 517.
(Crime No.15/2021)..

... Respondent/Complainant

For Petitioner : M/s.Madhavan.S.S.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 309 and 109 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that A-1(Nambukala) and A-2 (Pravin) are different community and both of them were in love with each other and when the same was objected by A-2's in-laws. In this regard, a mediation was conducted in the house of A-3. On 07.02.2021, A-3 said to have self immolated by using kerosene and



set fire. Immediately, she was admitted in the Government Hospital. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

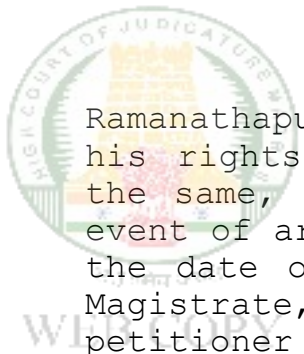
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4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that totally there are six accused in this case. A-1 and A-2 were love with each other and they are also married, when the same was objected by A-2's family, due to which, A-2 had consumed rat poison on 10.02.2021. Thereafter, on 11.02.2021 knowing the said incident, A-1 had self immolated herself by using kerosene and set fire and she succumbed to death on 12.02.2021. Hence, the respondent police registered the case against the petitioner and others along with A-1.

5.From the perusal of the materials, it is seen that the petitioner is said to be the maternal uncle of A-2(Pravin). The said Pravin and Nambukala, wherein love with each other and the said Nambukala is a 3rd year B.Com student in Sethupathy College. The de-facto complainant/Kala's mother is a widower, with great difficulty brought up her daughter. The said Nambukala had love affair with Pravin and against her mother wish, she had eloped with and both of them lived together. At that time, they also lived as a husband and wife. After the marriage, the parents of the said pravin had demanded dowry of Rs.50,000/- and jewels and other articles, which was unable to be met out by the de-facto complainant. Therefore, the Nambukala was chased away from the matrimonial home. At that time, the petitioner had given them shelter. The de-facto complainant had gone to the house of the petitioner and requested the parents of A-2 to accept her daughter with their family. The insult and humiliation was such that, finally on 11.02.2021, the victim Nambukala had self immolated by setting as fire and finally, she passed away. She has also given a dying declaration. In the dying declaration, she refers only to the said Pravin/husband and beyond that she is unable to speak due to the burn injuries sustained in her mouth. The petitioner submits that he has only given the shelter to them and she was pacifying both the families.

6.Considering the same, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is directed to deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand Only) to the credit of Crime No.15 of 2021, before the Judicial Magistrate, Kadaladi, Ramanathapuram District on or before **22.03.2021** and another **Rs.50,000/-** (Rupees Fifty Thousand Only) to the credit of Crime No.15 of 2021, before the Judicial Magistrate, Kadaladi,



Ramanathapuram District on or before **22.04.2021**, without prejudice to his rights and contentions before the trial Court. On receipt of the same, 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, Kadaladi, Ramanathapuram District, 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 petitioner 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 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/03/2021

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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,
KADALADI, RAMANATHAPURAM DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KEELASELVANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT-623 517.

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

+1. CC to Mr.S.S.MADHAVAN, Advocate SR.No.1905

ORDER

IN

CRL OP(MD) No.2899 of 2021

Date :08/03/2021

NR/VR/SAR-I (12.03.2021) 4P:6C