



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.3807 of 2021

1.Saraswathi
2.Murali
3.Arjunan
4.Elavarasi

... Petitioners/Accused
Nos.2 to 5

Vs

The State rep.by
The Inspector of Police,
Thiruppacheti Police Station,
Sivagangai District.
Crime No.51/2021.

... Respondent/Complainant

For Petitioners : Mr.T.Lajapathi Roy,
Advocate.

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

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

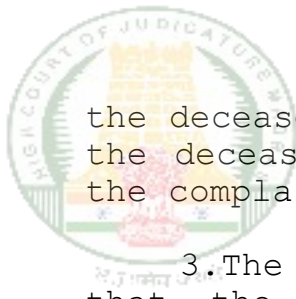
PRAYER :-

For Anticipatory Bail in Crime no. 51 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 109, 302 IPC in Crime No.51 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the first accused and the deceased was solemnized on 11.12.2014. After marriage all the accused tortured the deceased and hence, the deceased filed a petition under Domestic Violence Act and thereafter, the deceased lodged a complaint before the Samyanallur Police Station. During enquiry the first accused had given undertaken before the Samyanallur Police Station and went along with



the deceased to Tirupachatti. Thereafter, the first accused attacked the deceased with sword, due to which, the deceased died. Hence, the 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 and they have been falsely implicated in this case. He further submitted that the first accused and the deceased were lived in a separate home and the petitioners herein are living in a separate home and they were not present in the scene of occurrence. Hence, he prayed for grant of anticipatory bail to the petitioner.

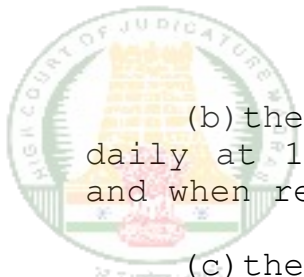
4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to matrimonial dispute, the first accused attacked his wife with sword, due to which, the wife of the first accused died. The petitioners herein are the in-laws of the deceased.

5.It is seen that the marriage between the deceased and A1 was solemnized in the year 2014. Six months after the marriage, the deceased got pregnant and A1 doubts the paternity of the same. This dispute was brewing through out and thereafter, the child was born, which was brought up by the fourth petitioner herein. On 27.02.2021, a complaint was lodged by the deceased, for which the petitioners herein approached for enquiry. In the said enquiry, A1 had given undertaken and thereafter, the petitioners were sent away. Thereafter, the matter was compromised between the couple and they went to Thirupachatti where the present occurrence happened. Admittedly, on the date of occurrence, the first and second petitioners are residing at Rameshwaram and the petitioners 3 and 4 are residing at Samayanallur and they were not present in the scene of occurrence.

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

7.Accordingly, the petitioners are ordered to be released on bail in the event 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, Thiruppuvanam, 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



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

sd/-

31/03/2021

/ TRUE COPY /

/ /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, THIRUPPUVANAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUPPACHETI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.T.LAJAPATHI ROY Advocate SR.No.2807

ORDER IN

CRL OP(MD) No.3807 of 2021

Date :31/03/2021