



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4215 of 2021

1. Subramani

2. Nagaraj

... Petitioners/Accused Nos.2 & 5

Vs

State rep.by

The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

In Crime No.36/2021.

... Respondent/Complainant

For Petitioners: Mr.C.Susi Kumar,
Advocate.

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

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

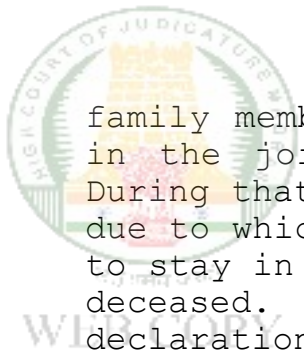
PRAYER :-For Anticipatory Bail in Crime No. 36 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 174(3) of Cr.P.C. @ Section 306 of I.P.C., in Crime No.36 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The petitioners are A2 and A5, who are Father-In-Law and Brother-In-Law of the deceased namely., Soundarya. A1 and the deceased loved each other and they got married on 31.08.2020. It was a inter-caste marriage, which was not welcomed by the A1's



family members. Despite the same, A1 and the deceased were living in the joint family along with the in-laws for a short period. During that time, there was several harassment for the deceased and due to which, the deceased left the matrimonial home and she started to stay in her parents home. A1 continued his relationship with the deceased. She became pregnant. It is seen from the dying declaration that A1 is said to have scolded the deceased, for which, she is said to have poured kerosene on her and committed suicide. There is nothing to show that the petitioners are cause for the death of the deceased.

4. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Dindigul, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/03/2021

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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 NO.III,
DINDIGUL.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4215 of 2021
Date :18/03/2021

IAS
AE/SMA/SAR-II (23/03/2021) 3P / 5C