



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

Date : 01/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7436 of 2021

1. Nagalakshmi @ Nagajothi
2. Ajeetha

... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
Crime No. 55/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Prabhu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

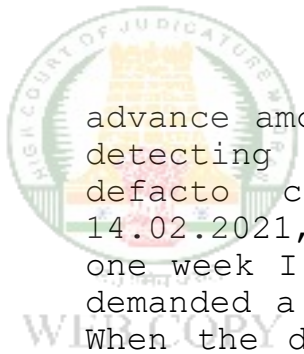
PRAYER :-

For Anticipatory Bail in Crime No. 55/2021 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 alleged offences punishable under Sections 306 of IPC, in Crime No.55 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and Uma Maheswari took place 28 years back and they have one daughter namely Indhumathi. For the last 6 years, the defacto complainant's wife was suffering from stress related disorder and she has been taking medicine continuously given in the Government Hospital, Thiruparangundram. The defacto complainant and his wife were living in the house of one Nagalakshmi as a tenant and gave Rs.20,000/- as advance. Two months prior to the incident, the said Nagalakshmi told them to vacate the house. Therefore, the defacto complainant had found a some other house at NGO Colony and also paid advance. Thereafter, the defacto complainant demanded



advance amount, but the sand Nagalakshmi paid only Rs.11650/- after detecting rent for the months of January and February. When the defacto complainant demanded the balance advance amount on 14.02.2021, Nagalakshmi told that she will return the amount after one week I.e on 22.02.2021. On 22.02.2021, the defacto complainant demanded a balance advance amount. Nagalakshmi gave only Rs.3,000/- When the defacto complainant demanded to give at least Rs.5,000/- she refused to give not more than Rs.3,000/-. Therefore, the defacto complainant wife was upset that only Rs.3,000/- was paid. On 24.02.2021 on at about 7.30 A.M., Uma Maheswari requested Nagalakshmi to switch on the water supply motor. Nagalakshmi abused her stating that she will not switch on the water supply motor. Nagalakshmi and her daughter tried to attack the defacto complainant's wife with broomstick, due to which, she was deeply upset and committed suicide by hanging.

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

4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed this petition on the ground that the investigation is pending and he further submitted that the earlier anticipatory bail petition in Crl.O.P.No.6004 of 2021 was dismissed.

5.In this case, the learned Government Advocate was directed to file a status report and the same was filed. On perusal of the status report, it seen that sofar 11 witnesses were examined. It appears that almost substantial part of the investigation is completed.

6.Taking into consideration the facts and circumstances of the case and also the fact that the deceased was suffering from stress related disorder and that disorder was triggered by wordy quarrel with the accused and also of the fact that there is no criminal intention on the part of the petitioner to abet such offence, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.6, Madurai District, on condition that the petitioner 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 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 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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/07/2021

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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 NO.6, MADURAI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7436 of 2021

Date :01/07/2021

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