



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7155 of 2021

1. Pushpam,

2. Mariappan

... Petitioners/Accused

Vs

State by
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(Crime No.281/2020)

... Respondent/Complainant

For Petitioners : M/s.Navaneetha Krishnan.V.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.281 of 2020 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 294(b), 306 IPC and Section 4 TNPWH Act, 2002 in Crime No.281 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the deceased is the daughter of the defacto complainant. She was married and due to marital discord, she left her husband and lived with her mother and accused are residing nearby. Since the construction of the defacto complainant's house the accused picked up quarrel with the defacto complainant. One week prior to the occurrence, they had been talking ill about the deceased. When the deceased gone for collecting water, the accused humiliated her by stating that she left her husband and instigated to commit suicide. Hence, the



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and due to previous motive they have been implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that earlier anticipatory bail petitioner was dismissed only 28.04.2021.

5.When this matter was taken up for hearing on 09.06.2021, this Court directed the respondent police to file status report, accordingly, today, status report is filed. It is seen from the status report that so far seven witnesses had been examined. Kerosene bottle and match box were recovered and postmortem certificate received.

6.It appears that substantial part of the investigation in this case over. Even after dismissal of anticipatory bail petition, the respondent police has not taken any effective step to arrest the petitioners and this case is pending from 31.10.2020. Considering all these facts, this Court is of the view that anticipatory bail may be granted to the petitioners with a direction to them to co-operate with the investigation to facilitate the police to complete the investigation and file final report.

7.In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner.

8.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, Tenkasi, 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 respondent police daily at 10.30 am., 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]**.

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

sd/-
17/06/2021

/ TRUE COPY /

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

GNS

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,
TENKASI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.NAVANEETHA KRISHNAN.V. Advocate SR.No.4055

ORDER
IN
CRL OP(MD) No.7155 of 2021
Date :17/06/2021

KM:RSK:SAR4(22.06.2021) 3P 6C