



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2021

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.7382 of 2021

1.Packiyalakshmi
2.Ramaprabha
3.Ilangovan
4.Muthalvan

... Petitioners/Accused
1 to 4

Vs

The State rep.by,
The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
Crime No.110 of 2021

... Respondent/Complainant

For Petitioners : Mr.D.Balamurugapandi,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.110 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 306 of I.P.C., in Crime No.110 of 2021 on the file of the respondent police, and seek anticipatory bail.

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



3.The first petitioner is the wife of the deceased. The second petitioner is the sister of the first petitioner. The third petitioner is the husband of the second petitioner. The fourth petitioner is a relative. The deceased was said to have engaged in consensual gay sex. It was brought to the notice of the first petitioner and that had resulted in a serious marital discord. Subsequently, the deceased consumed rat poison and was admitted to hospital and later he also died. Of course, the prosecution would also allege that the first petitioner had beaten the deceased. But the fact remains that the death was on account of consumption of rat poison.

4.Considering the over all facts and circumstances of the case, I am of the view that the arrest of the petitioners is not going to serve any purpose. More than anything else, the first and second petitioners are womenfolk. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two common sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Muthukulathoor, Ramanathapuram District, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two common sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness 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 229A IPC.

sd/-
08/06/2021

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

ORDER
IN
CRL OP(MD) No.7382 of 2021
Date :08/06/2021

IAS
TK/MNR/SAR.2/11.06.2021/3P/5C