



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

Date : 25/06/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7708 of 2021
(Through Video Conference)

1. M.Perumal
2. M.Murali @ Muralitharan ... Petitioners/Accused Nos.4 & 5

Vs

State rep. By
The Inspector of Police,
Villoor Police Station,
Madurai District.
Crime No.56/2021.

... Respondent/Complainant

For Petitioner : Mr.Devarajan.P,
Advocate.

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

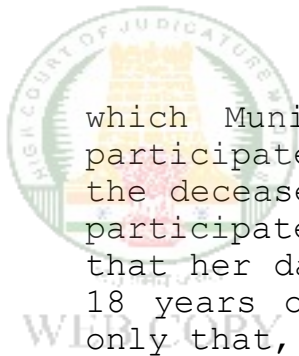
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER:- For Anticipatory Bail in Crime No.56 of 2021 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 305 of IPC, in Crime No.56 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant's daughter Muthulakshmi was in love with Bakiyaraj, son of the first accused. On 18.05.2021, Muthulakshmi had gone to sleep after taking food. Next morning, at about 4:30 a.m. the de-facto complainant saw that her daughter was missing. At about 6:00 a.m. on the same morning, Azhgammal and Lakshmi brought the daughter of the de facto complainant and informed to keep her daughter under control. Then, the de facto complainant enquired her daughter about what had happened and she told her that, at about 3:30 a.m. in the morning she had gone to the house of Bakiyaraj and she had sexual relationship with Bakiyaraj on the upstairs of his house and the same was found out by Bakiyaraj's mother and his aunt Lakshmi. So, they scolded Muthulakshmi and brought her back to her house. On 20.05.2021 at about 8:30 a.m. there was a Panchayat, in



which Muniappan, Azhagammal, Lakshmi, Perumal, Murali, Bakiyaraj participated and on the side of the de facto complainant, along with the deceased Muthulakshmi, de facto complainant's brother Kandhasamy participated. In the Panchayat, the de facto complainant demanded that her daughter shall be married to Bakiyaraj, after she completes 18 years of age. The proposal was rejected by the accused and not only that, they scolded the deceased and the de facto complainant in filthy language. Then, the deceased committed suicide at about 9:30 a.m. by hanging herself using her shawl. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. In fact, the petitioner did not have any role either in the sexual relationship alleged to have happened between the daughter of the de facto complainant and Bakiyaraj and the subsequent use of filthy language.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is not completed. He further submitted that the fifth accused Murali was already arrested. Apart from them, A1, A2 and A6 were also arrested.

5.Perusal of the F.I.R. shows that the only allegation against this petitioner Perumal is that he had participated in the Panchayat which was held on 20.05.2021. Though there is bald allegations made, all the accused have used filthy language, there is no specific allegation against this petitioner regarding the use of filthy language against the deceased and the de facto complainant.

6. Considering these facts into account, the fact that the co-accused had been arrested, this Court is of the considered view that custodial interrogation of the petitioner is not necessary. Accordingly, 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, Peraiyur District 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 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 or other valid 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 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/-

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

ORDER

IN

CRL OP(MD) No.7708 of 2021

Date :25/06/2021

STS

JM/MNR/SAR III/30.06.2021/3P/5C

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