



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

Date : 09.08.2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.8968 of 2021

1.P.Jayalakshmi
2.Muthukumari

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Pudukottai Police Station,
Thoothukudi.
In Crime No.103 of 2021,

... Respondent/Complainant

For Petitioners : Mr.M.M.MANIVELPANDIAN, Advocate
For Respondent : Mr.P.KOTTAI CHAMY
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.103 of 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 Section 174 of the Code of Criminal Procedure altered to 306 of IPC in Crime No.103 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner's son married the defacto complainant's daughter one Meera Devi in the year 2017 and they are having two children out of their wedlock. The defacto complainant's daughter/deceased was having epilepsy, for which, she was also taking treatment. There was a petty quarrel between the deceased and the first petitioner on 31.03.2021, due to which, the deceased had consumed more number of tablets meant for epilepsy. Subsequently, she died on 02.04.2021 at Government Hospital, Tuticorin. Hence, the complaint. Originally, the case was registered under Section 174 of the Code of Criminal Procedure and subsequently, it was altered to offence under Section 306 of IPC.



3. The learned counsel for the petitioners submitted that there was only a petty quarrel between the first petitioner and the defacto complainant and the petitioners are not responsible for the death of the defacto complainant.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent Police, opposed this petition on the ground that investigation is yet to be completed.

5. Considering the nature of offence and the allegations levelled against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

6. 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 Judicial Magistrate Court No.1, Thoothukudi 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 Magistrate concerned and on further conditions 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 the 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.

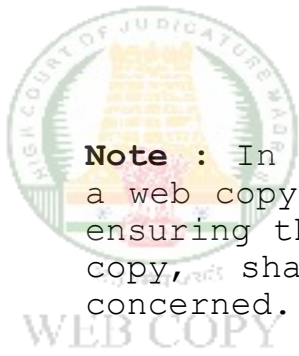
sd/-

09/08/2021

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

+1. CC to Mr.MANIVELPANDIAN.M.M. Advocate SR.No.5217

ORDER

IN

CRL OP (MD) No.8968 of 2021

Date : 09/08/2021

SA/PN/SAR.3/18.08.2021/3P/6C