



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

Date : 14/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10537 of 2021

1. Thangalakshmi
2. Gopalakrishnan ... Petitioners/Accused No.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(Crime No.96/2021). ... Respondent/Complainant

For Petitioners: Mr.D.S.Haroon Rasheed,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.96 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 306 IPC in Crime No.96 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased and daughter-in-law of the petitioners. The marriage between the deceased and the de-facto complainant was solemnized in the year 2017 and they are having two children out of the wedlock. Her husband was not having any job, hence, the parents of the deceased beaten and insulted her husband and therefore, the deceased wrote a suicide note and committed suicide by hanging.

3.The learned counsel for the petitioners submits that in fact the petitioners have only taken care of the de-facto complainant and the deceased previously and even now, they are ready to take care of the de-facto complainant and their grand children. To show their sincerity, they are ready to deposit a sum of Rs.1,00,000/- to the



de-facto complainant to meet out her medical expenses and other day-to-day expenses for her children.

4.The learned Government Advocate (Crl. side) for the respondent submits that investigation is yet to be completed.

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5.Considering the fact that the petitioners are unfortunately the parents of the deceased and they alone are taking care of the de-facto complainant even after the death of their son, this Court is inclined to grant anticipatory bail to the petitioners. This Court also appreciates the learned counsel for the petitioners for advising the petitioners to pay some amount to the de-facto complainant.

6.Accordingly this petition is allowed and 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, Srivaikundam, 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 learned 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 Aadhaar card or bank pass book to ensure their identity.

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

[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/-

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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.

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TO

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

ORDER

IN

CRL OP(MD) No.10537 of 2021

Date :14/09/2021

sj i

MS/VR/SAR-2/23.09.2021/3P.5C