



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

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.12076 of 2021

1.P.Pandieswari
2.S.Pakkirsamy Samuthiran
3.P.Kuttiyamma @ Kanagadurga
4.P.Bavani Mahalakshmi
5.P.Shiva

... Petitioners/Accused Nos.1 to 5

Vs

State rep by
The Inspector of Police,
Adirampattinam Police Station
Thanjavur District
Cr.No.148 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Sivasubramanian A,
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.148/2021 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 to A5 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 306 r/w 116 I.P.C @ Section 306 I.P.C, in Crime No.148 of 2021, seek anticipatory bail.

2.The case of the prosecution is that one Saroja who is the neighbour to these petitioners had committed suicide leaving a
<https://hse.scribd.com/document/511111111> that these petitioners passed defamatory remarks



against her and therefore, she committed suicide. Hence, the complaint.

3.The learned counsel for the petitioners would submit that according to the deceased, when she was taking with the second petitioner, a dispute arose with regard to her relationship with the second petitioner, who is none other than the husband of the first petitioner. Even prior to this occurrence, there was an another incident, wherein, the deceased Saroja and her brother assaulted the first petitioner, for which, a case has been registered as against the deceased and her brother in Crime No.147 of 2021 on the file of the respondent police for the offence under Section 294(b), 324 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in which, the deceased is an accused and in order to take revenge as against the petitioners, she has committed suicide. The earlier application moved by these petitioners in Crl.OP(MD). No.6033 of 2021 was dismissed by this Court on 04.04.2021 as the investigation was at nascent stage. He would further submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit the substantial portion of investigation is completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the stage of the investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai 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 learned 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 daily at 10.30 a.m 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]***; and;

(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

/ TRUE COPY /

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

MSA

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
Pattukottai.
2. Do Through The Chief Judicial Magistrate,
Thanjavur district at kumbakonam.
3. The Inspector of Police,
Adirampattinam Police Station
Thanjavur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12076 of 2021
Date : 31/08/2021

TR/SKN/SAR-III (17.09.2021) 3P 5C