



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.12721 of 2021

1.Muniyaselvi

2.Parvathi ... Petitioners/Accused Rank not known

Vs

State Rep by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Crime No.91 of 2021

...Respondent/Complainant

For Petitioners : Mr.C.Senthil Murugan
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.91 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C @ 306 I.P.C, in Crime No.91 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant, who is the father of the deceased, are neighbours. Since the petitioners spread vague allegation regarding the character of the defacto complainant's daughter, she consumed rat poison and died. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the deceased has developed illicit relationship with one Karuppasamy, who is the husband of the first petitioner. The petitioners questioned the same and warned the deceased to curtail the relationship with the said Karuppasamy and they have not committed any offence. Even while admitting the deceased in the hospital, the defacto complainant never uttered any facts and after the death, he lodged this false complaint. He would further submit that the brother of the deceased is working in the Police Department, hence, the respondent police altered the FIR and implicated these petitioners and two others as accused.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the investigation is yet to be completed.

5.Taking into consideration of the facts and circumstances of the case and the nature of allegation levelled against the petitioners, 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, Kamuthi, 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 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**



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

sd/-

13/09/2021

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

ORDER

IN

CRL OP(MD) No.12721 of 2021

Date :13/09/2021

PKP/JM/SAR-2/23.09.2021/3P/5C