



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice **B. PUGALENDHI**

CRL OP(MD).No.13673 of 2021

Karuppayee

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.673 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Sarvagan Prabhu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

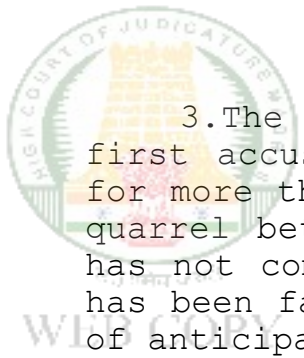
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.673 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of IPC in Crime No.673 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the deceased is the daughter of defacto complainant. The marriage between the first accused and the deceased was solemnized in the year 2008. Both were blessed with a son. From the date of marriage the deceased was residing at Erode. In such circumstances, the deceased visited her parental home on 14.08.2021 in order to enquire about the health condition of her father. When the deceased returned Erode the first accused tortured the deceased for her visit to parental home at the instigation of the second accused. Thereafter, the first accused along with deceased came down to Mettupatti. At Mettupatti the accused Nos.1 & 2 tortured the deceased and the same was informed by the deceased to the defacto complainant. On 17.08.2021 when the defacto complainant had gone to Mettupatti, he found the deceased consumed poison and succumbed on the way to hospital.



3.The learned counsel for the petitioner would submit that the first accused and the deceased were living along with their child for more than 10 years at Erode. More over, often there was a wordy quarrel between the first accused and the deceased. The petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit for the misunderstanding which arose between the husband and wife, the deceased committed suicide.

5.Taking into consideration of the facts and circumstances and the nature of allegation against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nilakottai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Court concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/09/2021

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/ /2021

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 COURT,
NILAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.SARVAGAN PRABHU, Advocate(SR-6321[I] dated 17/09/2021)

ORDER

IN

CRL OP(MD) No.13673 of 2021

Date :16/09/2021

AM/CSM

MK/PN/SAR.III/22.09.2021/3P/6C