



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16180 of 2021

1. Murugan
2. Karthik

... 1 & 2 Petitioners/Accused
Rank Not KNOWN

Vs

State rep.by
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.748 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Sarvagan Prabhu S, Advocate.

For Respondent : M/s.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. 748 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 Sections 174 Cr.P.C @ 306 of IPC, in Crime No.748 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the deceased is the son of the defacto complainant and the marriage between the deceased and the first petitioner's daughter was solemnized 10 years back. Due to some misunderstanding, the 1st petitioner's daughter deserted the deceased four days prior to the date of the occurrence. On 05.10.2021, the deceased approached the petitioners and requested



them to send back his wife with him. However, the petitioners ill-treated the deceased and unable to tolerate the ill-treatment of the petitioners, he committed suicide. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the deceased is a drunkard and he has not gone to work regularly. Under the influence of alcohol, the deceased has frequently quarreled with his wife, due to which, she deserted him. She is living separately and the petitioners herein have nothing to do with the alleged occurrence.

4. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that initially a case has been registered under Section 174 of Cr.P.C based on the complaint given by the mother of the deceased and now it has been altered to Section 306 of IPC. Before consuming poison, the deceased has recorded a video and communicated the same to the accused persons. Thereafter, he committed suicide.

5. Considering the facts and circumstances of the case, the nature of allegations against the petitioners and that the petitioners are the in-laws of the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

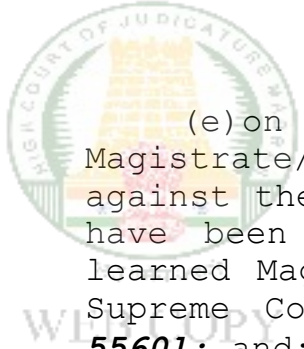
6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nilakottai, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 once in a week i.e., every Monday 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/-
25/10/2021

/ TRUE COPY /

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

ssb

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, DINDIGUL DISTRICT.
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 M/S.SARVAGAN PRABHU S Advocate SR.No.7448

ORDER
IN
CRL OP(MD) No.16180 of 2021
Date :25/10/2021