



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.16059 of 2020

1. Boomadevi
2. Sundararaj
3. Santhanam
4. Nanthini

... Petitioners/Accused 1 to 4

Vs

The State Rep. by
The Sub Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
Crime No.1265/2020

... Respondent/Complainant

L.Bhuvaneswari

... Intervening Peititioner/
Defacto Complainant
in CRL MP(MD)No.727/2021
in CRL OP(MD)No.16059/2020

For Petitioners: Mr.Murugesan.N, Advocate.
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)
For Intervener : Mr.L.Siva, Advocate

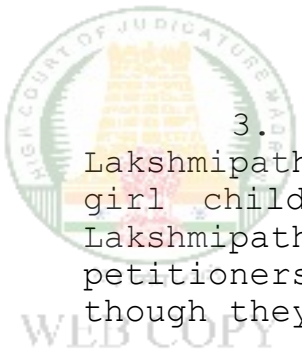
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For an Anticipatory Bail in Crime No.1265 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406 and 417 of I.P.C., in Crime No.1265 of 2020 on the file of the respondent police, seek anticipatory bail.



3. The marriage between the defacto complainant and one Lakshmipathirajan took place on 04.09.2016. They are blessed with a girl child on 09.08.2017. Even before the birth of the child, Lakshmipathirajan had committed suicide and ended his life. The petitioners are not supporting the life of the defacto complainant, though they have vast property and means.

4. The learned counsel for the petitioners submitted the petitioners offered a land to an extent of 75 cents by way of settlement deed dated 25.01.2021 in Document No.324 of 2021, which was the share of the deceased/Lakshmipathirajan. The petitioners to show their bonafide in favour of the grand daughter and the defacto complainant. He further submitted that investigation in this case is completed and the custodial interrogation of the is not required. Therefore, they seek anticipatory bail.

5. The learned counsel defacto complainant submitted that the she is not employed and she could not run her life. Though they shared the property, it is not useful to run their life peacefully. The petitioners are attempting to grab the EPF contribution amount of the deceased. She seeks their support in her life. Hence, he prays for dismissal of the petition.

6. The learned Government Advocate (Crl. Side) submitted that the investigation in this case is completed and the custodial interrogation of the petitioners are not warranted.

7. Considering the submissions and directing the respondent to take a call in the matter, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court (Judicial Magistrate Level), Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two common sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/02/2021

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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.

TO

1. THE ADDITIONAL MAHILA JUDGE,
(JUDICIAL MAGISTRATE LEVEL), MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.N.MURUGESAN, Advocate (SR-1143[I] dated 18/02/2021)

ORDER

IN

CRL OP(MD) No.16059 of 2020

Date :17/02/2021