



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.17501 & 17559 of 2021

1.Essakkiammal
2.Essakki Rani

.. Petitioners/Accused 3 & 4
in Crl.OP(MD) No.17501 of 2021

1.Selvakumar
2.Mariappan

..Petitioners/Accused 1 & 2
in Crl.OP(MD) No.17559 of 2021

Vs

The State rep.by,
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Crime No.305 of 2021)

... Respondent/Complainant
in Both Crl.OPs

For Petitioners: Mr.V.Malaiyendran
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)
(in Both Crl.OPs)

PETITIONS FOR BAIL(CRL OP(MD)NO.17559/2021) & ANTICIPATORY BAIL
(CRL OP(MD)NO.17501/2021) Under Sec.439 & 438 of Cr.P.C.

COMMON PRAYER :- For Bail(CRL OP(MD)NO.17559/2021) and Anticipatory
bail(CRL OP(MD)NO.17501/2021) in Crime No.305 of 2021 on the file of
the respondent police.

ORDER : The Court made the following common order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent in both the Criminal Original Petitions.

2.The petitioners/accused 1 & 2, who were arrested on
24.09.2021 for the offences punishable under Sections 174(3) Cr.P.C
& Section 306 IPC, in Crime No.305 of 2021, on the file of the
respondent police seek bail.

<https://hccs.cemilab.org.in/hccs-services>



3.The petitioners/accused 3 & 4, who apprehend arrest at the hands of the respondent police, in connection with Crime No. 305 of 2021 for the offences punishable under Sections 174(3) Cr.P.C @ Section 306 IPC, in Crime No.305 of 2021 seek anticipatory bail.

4.The case of the prosecution is that the defacto complainant is the sister of the deceased. Since the parties of the deceased died long back, the defacto complainant has taken care of the deceased and she solemnised the marriage of the deceased with the first accused on 12.08.2016. Due to harrasment and abetment made by these petitioners, who are husband, father-in-law and sisters-in-law of the deceased, the deceased committed suicide by hanging. Hence, the complaint.

5. The petitioners already moved Crl.O.P(MD) Nos.15843 & 15899 of 2021 seeking bail and anticipatory bail. This Court, by order dated 21.10.2021 dismissed the said applications, based on diary of the deceased produced by the learned Additional Public Prosecutor, wherein, the deceased has specifically mentioned that she committed suicide in view of the harassment of her father-in-law, mother-in-law and one Rani.

6. The learned counsel for the petitioners would submit that the petitioners are in jail from 24.09.2021 and investigation has been almost completed.

7.Considering the nature of allegations levelled against the petitioners, the period of incarceration and the fact that the investigation is almost completed, this Court is inclined to grant bail and anticipatory bail to the petitioners.

8.Accordingly, Crl.O.P(MD) No.17501 of 2021 is allowed and the petitioners/accused 3 & 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court NO.II, Tuticorin, 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.

9. Crl.O.P(MD) No.17559 of 2021 is allowed and the petitioners/accused 1 & 2 are ordered to be released on bail on their executing 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 Judicial Magistrate No.II, Tuticorin.

10.The petitioners/accused 1 to 4 in both the criminal Original petitions should also adhere the following further conditions:

[a]the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of the registration 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 abscond during the trial;

[d] the petitioners shall not tamper with the evidence or witness during 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/11/2021

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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 NO.II,
TUTICORIN.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
PUDUKOTTAI POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERAORANI.

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

ORDER IN

CRL OP(MD) Nos.17501 and 17559 of 2021

Date :11/11/2021

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<https://hcservices.mca.gov.in/hcservices/> 11.2021/3P.6C