



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.1196 of 2022

1. Pavithra
2. Pradeep Raj
3. Muthulakshmi

... Petitioners

Vs.

Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
(Crime No.37 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.37 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Anbu

For Respondent : Mr.A.Gokula Krishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 174 of Cr.P.C and later altered into Section 306 of IPC in Crime No.37 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the deceased by name Raghavan disliked the marriage of first and second petitioner, he committed suicide on railway track. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the deceased came to see first petitioner for marriage during 2019 and later due to difference of opinion of both family, the engagement proceedings itself has not taken place for marriage. Further, first petitioner has got married with the second petitioner on 30.03.2020 and out of wedlock a female child was also



born. Though the deceased disliked the marriage of first and second petitioner, he committed suicide on railway track. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions submits that the investigation was almost completed and he further submits that first petitioner had love affair with the deceased. Thereafter, she refused to marry him, due to the mental stress, the deceased has committed suicide on the railway track. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and the investigation was almost completed and also considering the family circumstances of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-IV, Vellore on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Court concerned 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 are 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/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE
KATPADI RAILWAY POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges Sr.1006

CRL OP.1196/2022

Date :21/01/2022

RVR 03/02/2022