



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.9504 of 2022

PACHIYAPPAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
INDUR POLICE STATION,
DHARMAPURI DISTRICT.
CRIME NO.105 OF 2021.

[RESPONDENT]

For Petitioner : M/S N. PONRAJ Advocate

For Respondent : MR.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of IPC in Cr.No.105 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son informed him that the petitioner along with other accused persons went to his house and assaulted her daughter one Vennila. When, the defacto complainant along with his daughter went to the petitioner and questioned him about the same, he abused him and his daughter in filthy language. Due to mental stress and agony, the said Vennila/defacto complainant's daughter committed suicide by consumed poison and dead. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that while the defacto complainant/deceased was admitted in the hospital, she stated that there was some problem



amount their family members for which she has consumed poison. In fact, the same has also been clearly mentioned in accident register dated 16.04.2021. Hence prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is alleged to have scolded and abused the deceased in filthy language. Due to mental stress and agony, the deceased consumed poison and found dead. As per the complaint given by the father of the deceased, the name of the petitioner has been specifically mentioned in the F.I.R. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that co-accused had already been released on bail by this Court in Crl.O.P.No.15062 of 2021 and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court (Magisterial level) Dharmapuri, on condition that the petitioner shall execute a bond 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 and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/06/2022

WEB COPY

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,
ADDITIONAL MAHILA COURT
(MAGISTERIAL LEVEL) DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
INDUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S N. PONRAJ Advocate on payment of necessary charges

CRL OP.9504/2022

Date :16/06/2022

JPA 29/06/2022