



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11316 of 2022

1 V.EZHILARASAN
2 E.KAVITHA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VOIMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO. 39/2022.

[RESPONDENT]

For Petitioner : M/S.N.MANOKARAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 448, 427 and 506(ii) IPC altered to Sections 294(b), 323, 448, 427, 506(ii) and 306 of IPC in Crime No.39 of 2022, on the file of respondent police, seek anticipatory bail.

2. The case of the prosecution is that one P.Vadivel married to Panchakalyani and gave birth to the first petitioner herein and two daughters. After the demise of the said Panchakalyani, the said P.Vadivel got married with the deceased as his second wife and gave birth to two daughters. Thereafter, all the legal heirs of the said Vadivel entered into a partition deed dated 11.09.2012 (Doc.No.718/2012-SRO, Thagattur) and accordingly they divided their properties. Accordingly, the 'A' Schedule property was allotted in favour of sons and daughters of the first wife and 'B' Schedule



property was allotted to the second wife and her daughters. While being so, the property, which was allotted in favour of the first petitioner herein, in which one dilapidated house is situated. Therefore, the first petitioner intended to construct a new house. Though it was allotted in favour of the first petitioner, the deceased second wife was residing there. At this juncture, the first petitioner compelled the deceased second wife to vacate the premises, and if she fails to vacate the premises, he will murder the deceased. Due to which, the second wife of the said Vadivel consumed pesticide and immediately, she was admitted to the Government hospital, Vedaranyam, however, she died in the hospital. Even according to the case of the prosecution, there is no suicidal note and no statement recorded from the deceased in the hospital, except the word uttered by the 1st petitioner, and there is absolutely no other allegation attributed under Section 306 of I.P.C.

3. The learned counsel for the petitioners would submit that the petitioner are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the A2 is the wife of A1, A3 and A4 are working under A1. On the date of occurrence, as there is a land dispute between them, the petitioners have forcibly evicted the deceased second wife from the place, where she is residing and demolished the house for the purpose of starting a new construction. He would submit that in view of the occurrence, the deceased second wife consumed poison and subsequently, she died. He would also submit that this is the third anticipatory bail petition before this Court. He would submit that A2 was also present in the scene of occurrence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners 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 on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Vedaranyam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner alone shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation, and the 2nd petitioner 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].

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

-sd/-

18/05/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VOIMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1 CC to M/S.N.MANOKARAN
charges SR.NO. 7146

Advocate on payment of necessary

CRL OP.11316/2022

Date :18/05/2022

RW 19/05/2022