



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12081 of 2022

1 POONGAVANAM [PETITIONERS/ ACCUSED]
2 SIVAGAMI
3 AMBIKA
4 SUMATHI

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SANTHAVASAL POLICE STATION,
SANTHAVASAL, TIRUVANNAMALAI DISTRICT.
(CRIME NO.103/2022)

For Petitioner : M/S.AMAR DINESHBHAI PANDIYA Advocate

For Respondent : MR.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 Section 174 of Cr.P.C. subsequently altered to Section 306 of IPC in Crime No.103 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners obstructed the deceased to work under 100 days scheme and also prevented others to give any work to her. Hence, she poured kerosene and set ablaze on her own and died.

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



4. The learned Additional Public Prosecutor would submit that earlier F.I.R. was registered under Section 174 of Cr.P.C. and thereafter the case has been altered into Section 306 of IPC. The petitioners had instigated the deceased to commit suicide. Hence, they are arrayed as accused.

5. It is seen that the deceased committed suicide for the reason that the petitioners obstructed the persons to give any work to her, due to which she poured kerosene and set ablaze on her own, thereby she succumbed to injuries and died. Initially, the case has been registered under Section 174 of Cr.P.C. and thereafter altered into offence under Section 306 of IPC. Even according to the case of the prosecution, the petitioners obstructed the deceased to work under 100 days scheme and also they prevented others to give any work to her. Due to which, she committed suicide. There is absolutely no other material to show that the petitioners instigated the deceased to commit suicide. Therefore, custodial interrogation of the petitioners do not require in this case.

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

7. 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 Judicial Magistrate, Polur on condition that each of the petitioners shall execute a separate 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, 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 petitioners 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

[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 themselves 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/05/2022

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 JUDICIAL MAGISTRATE,
POLUR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SANTHAVASAL POLICE STATION,
SANTHAVASAL, TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.AMAR DINESHBHAI PANDIYA Advocate on payment of necessary charges SR.No.7715

CRL OP.12081/2022

Date :20/05/2022

CSK 25/05/2022