



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.623 of 2022

1.Palaniappan
2.Sundari
3.Chithra
4.Azhagu Meenal
5.Jothi
6.Senthilkumar
7.Krishnaveni
8.Priya
9.Nallammal

... Petitioners/Accused
Nos.2 to 9 & 26

Vs

State rep.by
The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.
(Crime No.80 of 2021)

... Respondent/Complainant

For Petitioners: M/s.N.Gayathri, Advocate.

For Respondent : M/s.M.Muthumanikkam,
Government Advocate (Crl. Side)

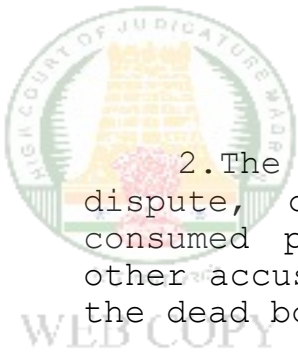
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 306, 201, 202, 294(b) and 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.80 of 2021, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that due to matrimonial dispute, one Nandhini, who is the wife of the first accused, consumed poison and died. Thereafter, the petitioner along with other accused, without informing the police authorities, they buried the dead body. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the first accused married one Nandhini and since there existed dispute between the deceased and the first accused, she had consumed poison and died. He would further submit that the first accused along with the petitioners buried the deceased body, without informing and without knowledge of the revenue and police authorities and that FIR came to be registered against 26 persons.

5.Considering the nature of charges levelled against the petitioners and also the facts that the main accused was already released on bail by the District Court and that A.17 was already granted anticipatory bail by this Court and that since the petitioners are also similarly placed, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Singampunari, Sivagangai District, 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 and on further conditions that:

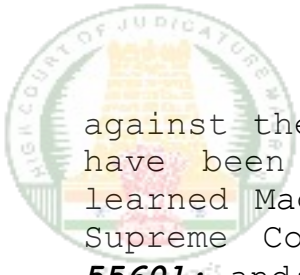
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with the 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]**; and;

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(f)if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
18/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
SINGAMPUNARI,
SIVAGANGAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ULAGAMPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.623 of 2022
Date :18/02/2022