



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

RESERVED ON : 26/04/2022

PRONOUNCED ON: 05/05/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7099 of 2022

Sagayarani

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Town East Police Station,
Thanjavur District.
Crime No.373 of 2022.

... Respondent/Complainant

For Petitioner : M/s.C.Senthil Murugan, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.373 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C., @ 306 I.P.C., in Crime No.373 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the deceased was working in Rani Plastic and Bottle Company along with the first accused and the petitioner, that on 10.03.2022, some work altercation arose between the petitioner, due to which, the petitioner said to have assaulted the deceased with slipper, that thereafter, the first accused came to the house of the deceased and quarrelled with the deceased by supporting the petitioner and also abused her and that thereafter, the deceased by leaving the suicidal letter, committed suicide by hanging. Hence, the present complaint.

3. The petitioner's case is that she is innocent, that she has nothing to do with the alleged suicide committed by the deceased and that she has been falsely implicated in the above case.



4. The learned Counsel for the petitioner would submit that the deceased and the petitioner are working in the same company, that since the deceased have spreaded derogatory information against the petitioner, the same was questioner by her and that she has not committed any offence as alleged.

5. The learned Counsel for the petitioner would further submit that the co-accused has already been granted bail by the Principal District Court, Thanjavur and more importantly, the learned Principal District Judge has observed in his order that there are no materials to implicate the first accused in the crime.

6. The learned Counsel for the petitioner would further submit that mere uttering words before the incident would not attract the offences as alleged in the F.I.R.

7. The learned Government Advocate (Crl.Side) appearing for the State would submit that the deceased has left with suicide note, in which she has specifically implicated that the petitioner and the first accused were responsible for her suicide.

8. As already pointed out by the learned Counsel for the petitioner, the learned Principal District Judge, Thanjavur, in his order passed in Cr.M.P.No.1692 of 2022, dated 06.04.2022, while granting bail to the first accused, has observed that on perusal of the complaint as well as the CD file, it seems that no ingredients attracting the offence under Section 306 I.P.C., are made out and taking note of the completion of the material part of the investigation, period of incarceration and considering the age and gender of the petitioner, he was inclined to enlarge the first accused on bail.

9. The learned Government Advocate (Crl.Side) would submit that they have sent the alleged suicide note to the Forensic Laboratory to ascertain the genuineness of the same and the report is awaited.

10. Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and also the fact that the co-accused has already been released on bail and that the investigation might have been completed by this time and also taking note of the age and gender of the petitioner and that she is not having any bad antecedents as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thanjavur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Twenty five thousand only) with two sureties, each for a



like sum to the satisfaction of the respondent Police or to 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 Magistrate 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 10.30a.m., until further orders;

(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 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;

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

sd/-

05/05/2022

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

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 NO.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-4462[I] dated 06/05/2022)

ORDER IN

CRL OP(MD) No.7099 of 2022

Date : 05/05/2022

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<https://hscservices.gov.in/hcservices/>
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