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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7902 of 2022

1. M.Rajendran
2. R.Ramesh
3. N.Moorthy
4. V.Ramamoorthy

... Petitioners/Accused
(Ranking Unknown)

Vs

The State of Tamil Nadu rep.by
The Sub-Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.57 of 2022)

...Respondent/Complainant

For Petitioners: Mr.N.Dilip Kumar, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.57 of 2022 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 174 (3) Cr.P.C., and 176 IPC altered into Sections 176 and 306 IPC, in Crime No.57 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the deceased Keerthana and one Pandi, who is the son of the first accused, was solemnized on 11.09.2016 and due to wedlock, they have been blessed with two children, that after marriage, the first accused had repeatedly humiliated and scolded the deceased, due to



that, the deceased committed suicide by hanging and that thereafter the first accused along with other accused without informing the appropriate authorities had cremated the body. Hence, the complaint.

3. The learned counsel for the petitioners would submit that in the present case, the charges levelled against the accused persons are under Sections 176 and 306 IPC, whereas, the petitioners herein was only charged for the offence under Section 176 IPC and that the same is bailable offence.

4. Considering the nature of charges levelled against the petitioners and also the fact that the offence under Section 176 IPC is bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 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., for a period of one month and thereafter, as and when required for interrogation.

[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]**.

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

Sd/-

28/04/2022

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/ /2022

Sub-Assistant Registrar (C.S.II)
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,
MELUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MELAVALAVU POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. DILIP KUMAR.N. Advocate SR.No.4049

ORDER
IN
CRL OP(MD) No.7902 of 2022
Date :28/04/2022

SP/JM/SAR II/06/05/2022/3P/6C