



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P (MD) No.74 of 2023

WEB COPY

- 1.Annakodi
- 2.Annalakshmi
- 3.Alaguraja
- 4.Antony

...Petitioners/Accused Nos.2 to 4 and 6

-vs-

The State represented by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Cr.No.484 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.484 of 2022 on the file of the respondent Police.

For Petitioners : Mr.C.Ganesh Kumar

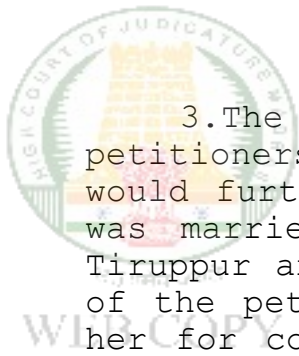
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 323 and 306 of IPC in Crime No.484 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that her daughter, Kaleeshwari was married to her younger brother's son, Raja eight years ago. Subsequently, her daughter, Kaleeshwari, developed illegal intimacy with one Sundarapandi, A1, son of petitioners 1 and 2. Thereafter, the petitioners 1 and 2, have arranged marriage for their son with someone else. While so, the said Sundarapandi had gone to the house of the deceased in the night hours and the daughter of the de-facto complainant thinking that her husband was sleeping, had gone out of the house and on seeing the de-facto complaint's daughter and A1, the petitioners have abused her in filthy language and assaulted her and later, they had taken Sundarapandi to their house and they petitioners 3 and 4, who are neighbours, have assaulted the daughter of the de-facto complaint and she had gone away from the scene of occurrence and she

<https://www.hc.madras.gov.in/judis>



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that the daughter of the de-facto complainant was married to one Raja eight years ago and she was living in Tiruppur and later, she had developed illegal intimacy with the son of the petitioners 1 and 2 and both the families have reprimanded her for continuing the illicit relation, due to which, the victim committed suicide by jumping into a well. He would further submit that other than reprimanding the victim for continuing the illicit affair, the petitioners have not done anything to abet the victim to commit suicide and he would submit that even reading of the FIR would show that the de-facto complaint is only a hearsay witness and she was not at all present in the scene of occurrence. He would submit that the son of the petitioners 1 and 2 has been arrested and he is in custody and the petitioners have been unnecessarily roped in this case. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners 1 and 2 are the parents of the first accused and the first accused had developed illicit intimacy with the daughter of the de-facto complaint, who is a married woman and later, the petitioners, who came to know about the illicit affair, have assaulted the victim girl, due to which, she committed suicide by jumping into a well. He would object for grant of anticipatory bail to the petitioners.

5.The learned Counsel for the intervenor would submit that the petitioners have assaulted the victim due to which she had committed suicide by jumping into a well. He would oppose for grant of anticipatory bail to the petitioners.

6.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Additional Mahila Court (JM Level), Theni, on condition that the petitioners shall execute 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 petitioners shall report before the responder everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[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/-

23/01/2023

/ TRUE COPY /

/02/2023

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

TO

1 THE ADDITIONAL MAHILA JUDGE,
(JM LEVEL), THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE
PALANICHETTYAPATTI POLICE STATION, THENI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 cc TO Mr.C.GANESH KUMAR, Advocate in SR No. 1005

ORDER

IN

CRL OP(MD) No.74 of 2023

Date :23/01/2023

SS/BUC/SAR-I/01.02.2023/3P/6C