



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**



CRL.O.P(MD)No.283 of 2023

Syed

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
(in Cr.No.302 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.302 of 2022.

For Petitioner
For Respondent

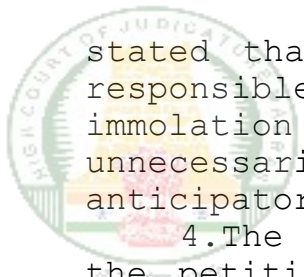
: Mr.C.Ezhilarasu
: Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 306 of IPC in Crime No.302 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that his mother, Tamil Selvi, aged 45 years was earlier married to one Muthu Krishnan and that he had deserted his mother 13 years back and thereafter, his mother married one Kumar and the said Kumar passed away seven years back and thereafter, his mother was having live-in relationship with one Syed Mohamed. The further allegation is that there used to be frequent quarrel between them. While so, on 06.12.2022, at 05.30 pm, his neighbour Mariammal had informed him that when she had come back to home, she had heard some screaming from his mother's house and that they have opened the door and found his mother with burn injury and they have taken her in an ambulance to the hospital, where, she was declared death. The neighbours have stated that prior to her death, there was a quarrel between his mother and Syed Mohamed and thereby, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner and the victim were in having a live-in relationship and that there was a dispute between them and for the reasons best known to the victim, she had committed suicide by self immolation. He would further submit that the petitioner understands that the victim was taken to hospital, where, a dying declaration has been recorded from her, wherein, she has



stated that she has committed suicide on her own and is responsible for her death and she has committed suicide if immolation for her own reasons, however, the petitioner has been unnecessarily implicated in this case. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner was having a live-in relationship with the victim lady and prior to the incident, there was a quarrel between the petitioner and the de-facto complainant's mother, due to which, she committed suicide. He would object for grant of anticipatory bail.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. and the dying declaration recorded from the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioner shall execute a 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 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 everyday at 10.30 a.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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

24/01/2023

/ TRUE COPY /

/02/2023

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



TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
KALAKAD POLICE STATION, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP (MD) No. 283 of 2023

Date : 24/01/2023

MGJ/MMS/SAR 1 (01.02.2023) 3P 5C