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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.1340 of 2023

A.Alaguraj

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.306 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Manikandan.K. Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.306 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 174 Cr.P.C @ 306 IPC, in Crime No.306 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Alagarsamy is that he was married 15 years ago to the victim. There was a dispute between him and the adjacent land owner. Whiles, on 12.11.2022, the accused had removed the survey boundary stones laid in the land and there was a quarrel between them. During such time, the accused had abused the wife of the defacto complainant in filthy language, due to which, she was severely stressed. On the same day night, the defacto complainant's wife vomitting, when he enquired, she told that due to

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abuse of accused, she had consumed Cinny Paraquat poison. Thereafter, he taken her to a hospital at Nilakottai for treatment, from where, she was referred to the Government Rajaji Hospital, Madurai, where she died on 03.11.2022 at 3.45 p.m., without responding to the treatment. Hence, the complaint.

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3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him, due to previous enmity, on account of a civil dispute. The defacto complainant's wife consumed poison due to the domestic quarrel and admitted in the hospital on 02.11.2022 and she died on the very next day, without responding to the treatment. After two days, i.e., on 04.11.2022, after due deliberation and contemplation has has given a false complaint, as if, the deceased had consumed poison, on account of abusive filthy language by the petitioner. Even assuming that there was a quarrel between the petitioner and the defacto complainant, it cannot be said that the petitioner has abetted the victim to commit suicide. The petitioner is ready to abide by any stringent condition imposed on him. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is an adjacent land owner of the defacto complainant and he had abused the deceased with filthy language and also challenged her character, due to which, she consumed poison on 02.11.2022 and died on the very next day. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Nilakottai**, 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 stay at Kovilpatti and report before the (*)Kovilpatti East Police Station everyday at 10.30 a.m., until further orders and further the petitioner shall not enter into the jurisdictional limit of the respondent Police, until further orders;

[c] the petitioner shall not tamper with the 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]**; and;

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

sd/-

24/01/2023

(*)Modified as per the order of this Hon'ble Court dated 16/02/2023 in CRL OP (MD) No.1340 of 2023

Time to surrender and execute sureties is extended by two weeks from the date of receipt of a copy of this order.

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/02/2023

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

pnm

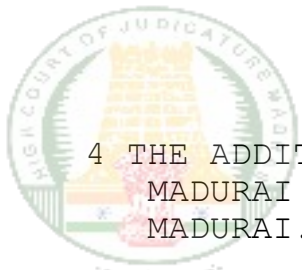
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 24/01/2023 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.



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

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**THE INSPECTOR OF POLICE,
THE KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI.**

ORDER

IN

CRL OP(MD) No.1340 of 2023

Date :24/01/2023

RK/MMS/SAR-3 (04/02/2023) 6P/6C

SS/VR/SAR II/20/02/2023) 4P 6C