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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.2033 of 2023

Singam

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Jayamangalam Police Station,
Theni District.
(Crime No.115 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Appadurai.K.,
Advocate.

For Respondent : Mrs.M.Aasha
Government Advocate (Crl.Side)

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

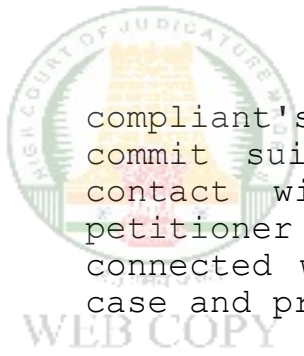
PRAYER :- For Anticipatory Bail in Crime No.115 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of IPC in Cr.No.115 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's brother and the petitioner's daughter loved each other and they married 15 years ago and lived as separate family. When the de-facto complainant's mother questioned the petitioner's daughter for using mobile phone, the petitioner's daughter consumed poison and she attempted to commit suicide. Therefore, the petitioner herein has went to the house of the de-facto complainant's mother and shouted at her that she is the reason for her daughter's attempt to commit suicide and he scolded the de-facto complainant's mother in filthy language. Due to this incident, the de-facto complainant's mother consumed poison and she died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. There was similar allegations against the de-facto



compliant's mother, who instigated the petitioner's daughter to commit suicide. The petitioner and the deceased have no direct contact with each other. They are living separately. The petitioner is residing at Theni and the petitioner is no way connected with this case. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that the de-facto complainant's mother consumed poison at the instigation of the petitioner. There is no change of circumstances in the case and investigation is still pending. Custodial interrogation is necessary. The investigation is pending for want of forensic report and pray the petition to be dismissed.

5.This is the fourth petition filed by the petitioner. The date of occurrence is 30.06.2022. Even after a lapse of seven months, the respondent failed to take action against the petitioner and the respondent failed to arrest the petitioner so far. The major portion of the investigation ought to have been completed by this time. Considering the nature of offence and considering the lapse of time, this Court is inclined to release the petitioner on anticipatory bail on the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before Judicial Magistrate daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

[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]**.



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

sd/-

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

MRN

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
JAYAMANGALAM POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.APPADURAI.K. Advocate SR.No.2079

ORDER

IN

CRL OP(MD) No.2033 of 2023

Date :09/02/2023

SA/VR/SAR.4/21.02.2023/3P/6C