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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/02/2023

PRESENT

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

CRL OP(MD) . No.3288 of 2023

K Nagapandi

... Petitioner/Accused No.1

Vs

State Represented by
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai.
(In Crime No.300/2022).

... Respondent / Complainant

For Petitioner : J.Lawrance, Advocate

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

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

PRAYER :-

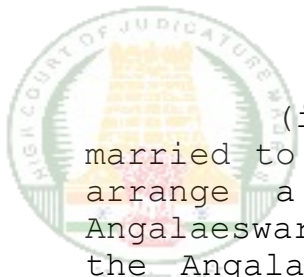
For Anticipatory Bail in Crime No.300/2022 on the file of the Respondent Police.

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 Section 174(3) of Cr.P.C @ 306 of I.P.C, in Crime No.300 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. (i)The case of the prosecution as per the defacto complainant Nagalakshmi is that her aunt's daughter Angalaeswari was found missing on 26.08.2022. Her aunt suspected that one Muthupandi had taken her, therefore, she lodged a complaint before Nagamalai Pudukkottai Police Station.

<https://www.mca.gov.in/judis>



(ii) During enquiry, it was found that Angalaeswari married to Muthupandi and she stated that Muthupandi also agreed to arrange a separate house. On 10.09.2022, the husband of Angalaeswari/Al dropped her at defacto complainant's house. Leaving the Angalaeswari in her house, the defacto complainant left her house, on account of work. When she returned to house, she found that Angalaeswari had committed suicide by hanging herself. Hence, the complaint.

(iii) During the course of RDO enquiry, it was revealed that the deceased Angalaeswari was abused by the accused persons, due to which, she committed suicide.

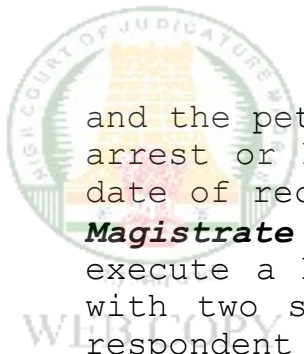
3. The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased. He has been falsely implicated in the case. Admittedly, the marriage between the petitioner and the victim was a love marriage and it was opposed by both parents. The mother of the deceased also gave a complaint before Nagamalai Pudukottai Police Station and during the enquiry the family members of the victim disowned her and the petitioner has taken the victim to his house. Since the victim was stressed by the conduct of her family members, in order to console her, the petitioner had dropped her at the defacto complainant's house, where she committed suicide, due to the pressure given by her family members. Now, in this case, alteration report has been filed, wherein, the respondent has stated that there was no demand of dowry on the side of accused persons. The allegations are attributed only against the parents of the petitioner, who are stated to have been against the marriage and they have already been granted anticipatory bail by the lower Court. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that though as per RDO enquiry, no demand of dowry was made by the accused persons and no suicidal note was written by the deceased, the family members of the petitioner and the petitioner had abused the deceased, who belonged to other community, thereby, they have abetted the deceased to commit suicide. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court, including the alteration report filed by the Deputy Superintendent of Police.

6. Taking into consideration the facts and circumstances of the case, considering the enquiry report filed by the Revenue Divisional Officer and the alteration report and also the fact that the co-accused have already been enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

<https://www.mhc.tn.gov.in/judis>. 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 No.VI, Madurai**, 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., for a period of two weeks and thereafter, on every Saturday 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 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/-

21/02/2023

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/03/2023

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

PNM

TO

1. The Judicial Magistrate No.VI, Madurai.

2. Do-Through The Chief Judicial Magistrate,
Madurai District.

<https://www.mhc.tn.gov.in/judis>



3. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai.

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to J.LAWRANCE Advocate SR.No.9986

ORDER

IN

CRL OP(MD) No.3288 of 2023

Date :21/02/2023

ED/MMS/SAR-4 (03/03/2023) 4P 6C