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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4344 of 2023

Sudha

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No.06 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Saravana Kumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.06 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of I.P.C. @ 306 and 305 in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased was studying 12th standard in high school and there was an affair between the deceased and A1, hence, the de-facto complainant and his wife warned her. Thereafter, on 08.01.2023, A1 and the petitioner scolded the deceased in filthy language, due to which, the deceased became upset and had committed suicide by hanging and also left a suicide note implicating the petitioner along with A1, hence, the case came to be registered.



3. Heard. Perused the materials available on record including the First Information Report.

4. It is seen that the petitioner is arrayed as A2 in this case. She is the mother of the first accused. Due to love affair between A1 and the deceased and thereafter, he failed to continue love affair with the victim girl and as such, she committed suicide. On perusal of suicide note it shows that A1 and A2 are responsible for the death of the deceased. However, the subsequent lines are alleged to have attracted as against the first accused. Now the petitioner is the mother of the first accused and as such the custodial interrogation of the petitioner does not require in this case.

5. Taking into consideration of the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni, 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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/-
07/03/2023

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

TO

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

+1. CC to M/S.SARAVANA KUMAR Advocate SR.No.3691

ORDER
IN
CRL OP(MD) No.4344 of 2023
Date :07/03/2023

SS/SAR III/15/03/2023/3P/6C