



WEB COPY

CRL OP(MD).



23

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

Date : 15/03/2023

PRESENT

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

CRL OP(MD) . No.4893 of 2023

Mohan

... Petitioner/Accused-4

Vs

State rep. by,
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.63 of 2018.

... Respondent/Complainant

For Petitioner : M.Kalaiyarasan,
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.63 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174(3) of Cr.P.C. @ 498(A) and 304(B) of I.P.C., in Crime No.63 of 2018 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the defacto complainant is the mother of the deceased Jeeyanin. A1 got married her daughter on 02.02.2015. After the marriage, A1 went to America for employment. The further allegation is that the petitioner and other accused have harassed the deceased by demanding additional dowry. Thereby, her daughter had committed suicide by consuming rat paste on 19.03.2018 and died after three days on 23.08.2018. Hence, the case.

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

4.It is seen that the crime is of the year 2018. Initially, the FIR was registered under Section 174(3) of Cr.P.C. Subsequently, based on the direction of the learned Magistrate, the offence has been altered into under Sections 498(A) and 304(B) IPC. As far as the petitioner is concerned, he is the father-in-law of the deceased. Therefore, the custodial interrogation of the petitioner is not required 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:

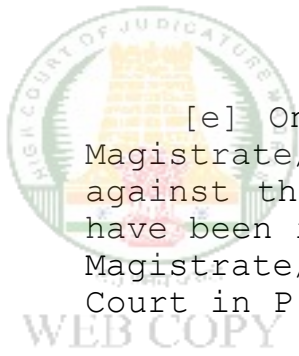
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Pattukottai, on condition that the petitioner shall execute a bond for 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 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 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/-
15/03/2023

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/03/2023

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

SJI

TO

1. The Judicial Magistrate, Pattukottai.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4893 of 2023
Date : 15/03/2023

NA/BUC/SAR-4/27.03.2023/3P/5C