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CRL OP(MD).



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

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5388 of 2023

1. Muthukrishnan
2. Marimuthu
3. Ganga Devi

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
Cr.No.114/2022.

... Respondent/Complainant

For Petitioners : M/s.Mohan Gandhi.M,
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. 114/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 174 (3) of Cr.P.C @ 294(b), 323, 506(i) , 306 of IPC and 306 r/w.34 of IPC in Crime No. 114 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the marriage between the first petitioner and the deceased was solemnized in the year 2019 and they were blessed with two children and out of which one child died. Thereafter the petitioners started harassing the deceased demanding more dowry and harassed her. Unable to bear the same, the deceased committed suicide by hanging, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. The first petitioner is the husband of the deceased and other petitioners are in-laws of the deceased. It is seen that the first petitioner got married to the deceased and they were blessed with children. Thereafter due to some misunderstanding between them, the deceased committed suicide by hanging herself leaving behind the children. Initially the case was registered under section 174 (3) of Cr.P.c subsequently altered to sections 294(b), 323, 506(i), 306 of IPC and 306 r/w.34 of IPC. The report submitted by the Revenue Divisional Officer reveals that there was strain relationship between the first petitioner and the deceased and there is no evidence to show that the first petitioner has instigated the deceased to commit suicide. Further the Revenue Divisional Officer enquiry report reveals the fact that there was no dowry demand. Taking into consideration the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruchendur 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 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 petitioners 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 first petitioner alone 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD).



23

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

sd/-
23/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-4753[I] dated
23/03/2023)

ORDER
IN
CRL OP(MD) No.5388 of 2023
Date :23/03/2023

AAV
MK/BUC/SAR 4/27.03.2023 3P 6C