



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.03.2023

PRESENT

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

CRL OP(MD)No.6067 of 2023

Selvam

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.
(Crime No.215 of 2015)

... Respondent/Complainant

For Petitioner : Mr.S.Baskar Mathuram, Advocate
for Mathuram Law Association.

For Respondent : Mr.Thanga Aravindh,
Government Advocate(Crl.side)

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

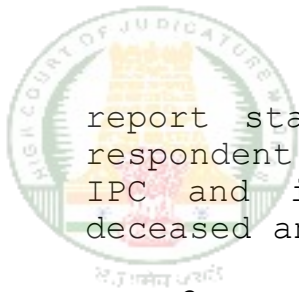
PRAYER :-

For Anticipatory Bail in Crime No.215 of 2015 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C., altered into Sections 376, 306 IPC in Crime No.215 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an electrician. There was wordy quarrel between the defacto complainant's wife and his daughter. While so, on 14.07.2015, at about 01.30 pm., the daughter of the defacto complainant consumed poison and died. Therefore, case was registered under Section 174 Cr.P.C. Thereafter, Tirunelveli Government Hospital issued postmortem



report stating that she was three months pregnant. He the respondent police altered the offences under Sections 376 and 306 IPC and implicated the petitioner as an accused, because the deceased and the petitioner loved each other.

3. Heard both sides and perused the materials available in the record.

4. It is seen that the deceased committed suicide by consuming poison. After her death, during postmortem, it was found that she got pregnancy of three months. After recording statement under Section 161 Cr.P.C., from the friends, parents of the deceased, the respondent police found that the petitioner fell in love with the deceased and he also had physical relationship with her. While the deceased insisted him to marry her, he refused and hence, she consumed poison and died.

5. The foetus also sent for DNA test. However, they were unable to find the type of DNA. Now, the investigation is pending from 2015 and therefore, custodial interrogation of the petitioner would not serve any purpose. Hence, 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, Sankarankovil, 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 twice at 10.30 A.M., and 05.00 P.M., till filing of final report;

[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/-
31/03/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

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

+1 CC to M/s.S.BASKAR MATHURAM, Advocate(SR-5257[I] dated 31/03/2023

ORDER
IN
CRL OP(MD) No.6067 of 2023
Date :31/03/2023

PKP/MMS/SAR-2/17.04.2023/ **3P/6C**