



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

Date : 03/04/2023

PRESENT

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

CRL OP(MD). No.6209 of 2023

Arunachalam @ Babu

... Petitioner/sole accused

Vs

The State rep., by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District,
Crime No.488 of 2022.

... Respondent/Complainant

For Petitioners : Mr.C.Senthil Murugan, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.488 of 2022 on the file of the respondent police

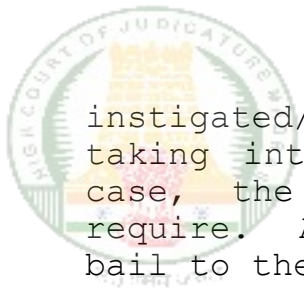
ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under section 174(3) of Cr.P.C in Crime No.488 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant gave a complaint stating that his daughter subjected to harass by her husband and his family members and thereby, the defacto complainant's daughter has committed suicide. Hence, the complaint.

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

4. Though the case was registered on 05.08.2022 for the offence under Section 174(3) of Cr.P.C, the offence was altered into Section 306 of IPC in the month of Nov-2022. However, the petitioner was not secured so far. That apart, even according to the prosecution, the petitioner compelled the deceased to avail loan from her employer in order to repay the loan already he availed. However, there is no evidence to show that before committing suicide, she was



instigated/abetted by the petitioner to commit suicide. Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner does not require. Accordingly, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

WEB COPY

5. 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 No.I, Tirunelveli, 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 am., for a period of four 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/-
03/04/2023

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-5389[I] dated
03/04/2023)

ORDER

IN

CRL OP(MD) No.6209 of 2023

Date :03/04/2023

PKP/BUC/SAR-4/13.04.2023/ **3P/6C**