



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

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9095 of 2023

WEB COPY

1. Mani
2. Padma

... Petitioners/Accused 3 & 4

Vs

State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District
Cr No. 214/2023.

... Respondent/Complainant

For Petitioners : M/s.Appaji.C.K.M.,
Advocate.
For Respondent : Mr.R.Sivakumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.214 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 306 of IPC, in Crime No.214 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the defacto complainant's husband and his family with regard to the partition of the house. On 24.04.2023, the first accused came to the house with drunken mode and attacked the defacto complainant. Hence, the defacto complainant admitted at Lalgudi Government Hospital. Further, based on the complaint given by the wife of brother of the defacto complainant's husband, the defacto complainant's husband was ill-treated, due to which, he committed suicide on 28.04.2023. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are the father and mother of the deceased and they are living separately. The petitioners are senior citizens. Hence, no prayer for granting anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case and also the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with the 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]**; and;

(f)if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

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/05/2023

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

ssb

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, LALGUDI POLICE STATION, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9095 of 2023

Date :18/05/2023

RS//SAR-(24.05.2023) 3P 5C