



WEB COPY

CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.10144 of 2023

1. M.Krishnamoorthy,

2. Muthulakshmi,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by

The Inspector of Police,

Theni Police Station,

Theni District.

Crime No.211 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Balaji,
Advocate.

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

For Intervenor : Mr.M.Kaliraj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.211 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 @ 306 of IPC, in Crime No.211 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the father of the deceased Rajarajan and the deceased had committed suicide by hanging on 05.05.2023. The de-facto complainant, who is the grand father of the deceased has given a complaint.

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



4.It is seen that there are totally two accused in this case and the petitioners are arrayed as A1 and A2. The deceased is none other than the son of the first petitioner born through the first wife. After the death of the first wife, the first petitioner got married the second petitioner. However, the deceased was staying with his grandfather and grandmother. The first petitioner is also having guardianship right and therefore, filed a petition in G.W.O.P.No.24 of 1999 and the same went against him. Subsequently, the first petitioner settled some property in favour of the deceased and subsequently, it was also cancelled and settled the said property in favour of his daughter, who born through the second petitioner herein. Before committing suicide, the deceased wrote a suicide note and committed suicide.

5.On perusal of the suicide note, it revealed that no offence is attracted as against the petitioners, since the deceased was not insisted by the petitioners to commit suicide. Therefore, the custodial interrogation of the petitioners do not require in this case.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

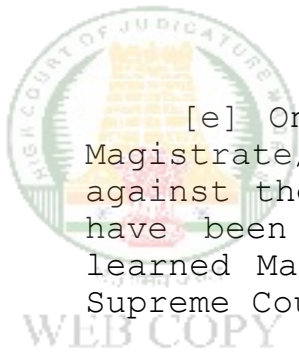
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Theni, on condition that the petitioners shall execute a bond 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 petitioners shall report before the respondent Police 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].

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

sd/-
12/06/2023

/ TRUE COPY /

/06/2023

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

SJI

TO

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

+1 CC to M/s.SHANKAR MURALI, Advocate (SR-8577[I] dated 13/06/2023)

ORDER
IN
CRL OP(MD) No.10144 of 2023
Date :12/06/2023

PKP/VR/SAR- /15.06.2023/ **3P/6C**