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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14643 of 2023

R.Thangammal

... Petitioner/ Accused No.3

Vs

The State through the Inspector of Police,
Sellur Town Police Station,
Madurai Town, Madurai.
Cr.No.443/23.

... Respondent/Complainant

For Petitioner : M/s.Sevugaraja, Advocate

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.443/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 306 of IPC read
with Section 9 of TNLE, Act, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant lodged a complaint stating that her daughter namely Premalatha married one Sivaprakash, some eight years prior to the occurrence. Because of the marriage, they had two children namely Dharshan and Abinaya. Sivaprakash was doing business in Mattuthavani market area. For the purpose of developing their business, both the husband and wife borrowed amount from several persons. But because of the loss in the business, they were in deep depression. The above said difficulty was also informed to her by Premalatha. On 25.04.2023, at about 9.30 a.m., the children were sent to the school and at about 1 p.m., both the husband and wife were found hanging. On the basis of the above said occurrence, a case was registered and enquired. During the course of investigation, this petitioner has been implicated.

3. The learned counsel for the petitioner would submit that both the husband and wife were under deep depression over their financial situation. They borrowed money from several persons and unable to repay the same and because of the said financial situation, only they committed suicide. For which this petitioner is no way responsible since she has lent only Rs.10,000/- to the deceased, since both of them happened to be neighbours. In the First Information Report it is stated that the



petitioner was not collecting any exorbitant interest from the deceased. No harassment was also made by her to force the deceased to commit suicide.

4. The learned Additional Public Prosecutor would submit that the earlier application was dismissed on 13.07.2023. It has been stated that this petitioner alleged to have lend Rs.10,000/- to the deceased. That was also entered in the chit. The chit was collected during the course of investigation.

5. Considering the earlier application was dismissed, eventhough the co-accused has been released on bail, this application has been filed on the ground that investigation is completed. Nothing more is yet to be collected from the petitioner and her house.

6. Considering the facts and circumstances of this case and also the fact that investigation is completed, this Court is inclined to grant relief to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.2, Madurai, on condition that the petitioner shall



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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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
10/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI TOWN,
MADURAI DISTRICT.



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

+1 CC to M/s.R.SEVUGARAJA, Advocate (SR-12264[I] dated 14/08/2023)

ORDER
IN
CRL OP(MD) No.14643 of 2023
Date :10/08/2023

SS/VR/29/08/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023