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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16899 of 2023

D.Keerthana,

... Petitioner/ Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram,Dindigul District.
Crime No.91 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Sarvagan Prabhu S, 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.91 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 109 and 309 of IPC @ 306 of IPC, in Crime No.91 of 2023 on the file of the respondent police, seeks anticipatory bail.

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



2. The case of the prosecution is that the defacto complainant's daughter was studying B.Sc.(Nursing), in Sakthi Nursing College, Oddanchatram. On 21.02.2023, the defacto complainant received a phone call from the Principal of the said College and she was informed that his daughter fell down from staircase and she is admitted in the hospital. Thereafter, the defacto complainant rushed to the hospital and he saw that his daughter was in serious condition. Hence, he lodged a complaint stating that his daughter committed suicide, due to harassment made by her roommates including the petitioner and the college administration failed to take any step to prevent his daughter from committing suicide. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case.

4. The learned counsel for the petitioner further submitted that there was no criminal intimidation on the part of the petitioner to abet the commission of suicide by the deceased.

5. The learned Additional Public Prosecutor appearing for the respondent police has relied upon the suicide note written by the deceased.



6. A perusal of the suicide note shows that there was some sort of petty issue between herself and her roommates. In the FIR it is stated that because of the attitude of this petitioner, the above said trouble arose. But, in the suicide note nothing was stated. Whether the circumstances has been created by the accused to drive the deceased to commit the suicide, is a matter for investigation.

7. Considering the future also the age of the petitioner as well as the immaturity of the students, this Court of the considered view that if the petitioner is arrested and remanded to judicial custody then her future will be spoiled. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, however, with stringent conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, before the learned Judicial Magistrate, Oddanchatram, Dindigul District, and on his executing 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 the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



9. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
20/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE
ODDANCHATRAM POLICE STATION,
ODDANCHATRAM,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-13893[I] dated 20/09/2023)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL OP(MD) No.16899 of 2023
Date :20/09/2023

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