



CRL OP(MD). No.17400 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. Mahalingam,
2. Kachammal,

... Petitioners/ Accused Rank No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Kallikudi Police Station ,
Madurai District,
Crime No.191/2023.

... Respondent/Complainant

R.Mahalingam

... Petitioner/Intervener
in CRL MP(MD).13940/2023 in CRL OP(MD).17400/2023

For Petitioners : M/s.Arun.B, Advocate.
For Respondent : Mr.S.Ravi, Additional Public Prosecutor
For Intervenor : M/s.N.Tamilmani, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.191/2023 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 306 IPC in Crime No.191 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the deceased said to have developed illegal relationship and that A1 has warned her. Due to that dispute, the wife of A1, who is the daughter of the defacto complainant has committed suicide by hanging in the petitioner's house and hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case, hence he seek anticipatory bail.

The learned counsel appearing for the intervenor would submit that A1 tortured the deceased continuously and that deceased has committed suicide and hence, he strongly objected to grant anticipatory bail to the petitioners. due to continuous torture

4. The learned Additional Public Prosecutor would submit that the petitioner has doubted the deceased and that abused her in filthy language and that the deceased has committed suicide and he would further submit that the investigation of the case is pending and hence, he objected to grant anticipatory bail to the petitioners.



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5. Heard both side and perused the materials available on record.

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6. Considering the rival submissions on either side and considering the fact there is no overt act attributed against the petitioners and that the children of A1 is in tender age and that prior to occurrence the deceased left from the matrimonial home of the accused and she was stayed in the parental house, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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, Thirumangalam 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 condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am., until further orders;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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



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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].

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

sd/-
29/09/2023

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

TRP

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, KALLIKUDI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.N.TAMILMANI, Advocate (SR-14517[I] dated 03/10/2023)

+1 CC to M/s.B.ARUN, Advocate (SR-14549[I] dated 03/10/2023)



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ORDER

IN

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Date :29/09/2023

RS/DD/SAR-(04.10.2023) 5P 7C

Madurai Bench of Madras High Court is issuing
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