



CRL OP(MD). No.17453 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.V.Karpagavalli

2.Muthumari

... petitioners/ Accused Nos.3 and 4

Vs

State Represented by,
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.327 of 2023).

... Respondent/Complainant

For petitioners : Mr.M.Jerin Mathew,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.327 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.3 and 4, who apprehends arrest at the hands of the



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respondent police for the offences punishable under Section 306 IPC in Crime

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No.327 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Vijaykumar and his wife and mother were entered into quarrel with the defacto complainant, assaulted her using stone, for which he gave a complaint against the accused persons. On 15.09.2023, the petitioners came to the house of the defacto complainant and threatened her husband showing a knife. After that the defacto complainant went to her parental home and she was informed at about 8.00 p.m., on that date that her husband died. Hence the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent. He would further submit that one Vijaykumar and the defacto complainant were in relationship. The petitioners advised the defacto complainant to mend her ways and when the said fact known to the deceased, the husband of the defacto complainant committed suicide.

4. The learned Additional Public Prosecutor would submit that one day prior to the occurrence date, the accused Nos.3 and 4 quarreled with the defacto



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complainant, at that time, deceased came to his house and asked them why they scolded her wife, they said about the illegal relationship of the defacto complainant and one Vijaykumar. On coming to know about the above said fact, he committed suicide.

5. The learned counsel for the petitioner would submit that the accused rank is wrongly mentioned in the petition as Accused Nos. 2 and 3 instead of Accused Nos.3 and 4.

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

7. Considering the submissions made on either side and considering that there is no specific overt act attributed against these petitioners and considering that these petitioners are not main accused, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. 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, Melur, 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:



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[a] the petitioners shall report before the respondent Police daily at 10.00 am., for the period of 30 days and thereafter, as and when required for interrogation.

[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 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].

[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.

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

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-14502[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17453 of 2023
Date :29/09/2023

SS/DD/05/10/2023/5P/6C

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