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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22515 of 2022

M.Seenidurai,

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District.
Cr.No.119/2022.

... Respondent/Complainant

For Petitioner : M/s. Sukumar.V,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

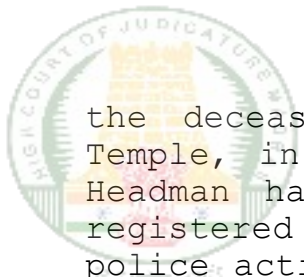
For Anticipatory Bail in Crime No.119/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C. @ 306 IPC in Crime No.119 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the deceased suspecting that his wife was having illicit intimacy with the petitioner herein, had quarrelled with her and during such time, his wife and the petitioner had abused him in filthy language, due to which, the deceased had committed suicide by hanging on 13.10.2022. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been
<https://www.mca.gov.in/judis> the mother of the deceased. He would further submit that



the deceased had damaged the deity statue at Sudalaima Temple, in respect of which, one Dharmalingam, who is the Village Headman had given a complaint against the deceased, a case was registered in Crime No.117 of 2022 against the deceased and fearing police action, he has committed suicide, whereas, a false complaint has been given, as if, the victim committed suicide on account of the petitioner having illicit intimacy with his wife. He would further submit that even assuming and taking into consideration that there was an illicit intimacy, it would not amount to abetment to commit suicide by the petitioner and there is no materials available to show that the petitioner abetted the victim to commit suicide. He would further submit that the wife of the deceased/A1 has been arrested and released on bail. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that due to illegal relationship between the petitioner and the wife of the deceased, he committed suicide. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record including the FIR.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute 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:

[a] the petitioner 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 petitioner shall stay at Madurai and report before the Inspector of Police, Y.Otthakadai Police Station, Madurai, daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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

sd/-
04/01/2023

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

SJI

TO

1. The Judicial Magistrate, Valliyoor.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District.
4. The Inspector of Police,
Y.Otthakadai Police Station, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.22515 of 2022

Date : 04/01/2023

TR/MMS/SAR II/09.01.2023/3P/6C