



CRL OP(MD) No.768 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.768 of 2024

RAJA

... PETITIONER/ ACCUSED NO.7

Vs

THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.413 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.RAMESHKUMAR Advocate

For Respondent :MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.413 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Section 174 of Cr.P.C @ Section 306 of IPC, in
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Crime No.413 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the deceased. The marriage was solemnized between A1 and the deceased on 30.06.2009. Out of wedlock, a male child was born. After marriage, A1 along with the other accused harassed the defacto complainant by demanding additional dowry. Due to which, the deceased committed suicide by hanging herself. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency. Initially, the Law Enforcing Agency, registered the case for the offence under Section 174 of Cr.P.C., and thereafter, it was altered into Section 306 of IPC.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is A7 in this case. He is the husband of A5. A5 is the sister of A1. A1 is in abroad for his employment. Further, the petitioner is residing at Dindigul. But, the occurrence was happened at Madurai. At the time of occurrence, the petitioner was not available in the scene of occurrence. He further submitted that A1 was already granted anticipatory bail.



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Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that due to the harassment made by the accused, the deceased committed suicide by hanging herself. However, A1 was already granted anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the facts that the main accused was already granted anticipatory bail and no serious allegation was made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 Court



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-

18/01/2024

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/01/2024

Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

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

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-805[I] dated 19/01/2024)

ORDER

IN

CRL OP(MD) No.768 of 2024

Date :18/01/2024

RK/JGB (23/01/2024) 5P / 6C

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