



CRL OP(MD)No.10268 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.10268 of 2024

1.Sermadurai

2.Saraswathi,

... Petitioners/ Accused(Rank Not Known)

Vs.

The State rep. by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
(Cr.No.78 of 2017)

... Respondent/ Complainant

For Petitioners: Mr.R.Ponkarthikeyan,
Advocate

For Respondent : Mr.M.Vaikam Karunanithi
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.78 of 2017 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C., altered into Section 306 of IPC, in Cr.No.78 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant's daughter namely Nathishpa married one Sudalaimani on 04.06.2015 and the said marriage is an inter-caste marriage and they have one female child. After the child's birth, there were repeated quarrels in their matrimonial life and she frequently visited the house of the defacto complainant. In the meantime, the defacto complainant's daughter came to her parental home and asked Rs.45,000/- for her husband's police station case. The defacto complainant has also given the said amount to her daughter. On 20.04.2017 at about 03.30 p.m., the brother-in-law of her daughter namely Muthukumar informed through phone that her daughter set herself on fire and asked them to come to take the body. The defacto complainant, her husband and her daughter Narmadha went to Udaiyarkulam at about 6.00 p.m. and found her daughter dead in front of the house with burn injuries. Hence, the defacto complainant lodged a complaint. Initially, case was registered for the offence under Section 174 of Cr.P.C., thereafter, it was altered into the offences under Section 306 of IPC.



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3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first petitioner is leading a peaceful life with lots of pain and the second petitioner is no way connected to the matrimonial life of the 1st petitioner and she is having severe aged old diseases. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that four witnesses have been examined and the investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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]; and;



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(f)if the accused thereafter abscond, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
15/07/2024

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/07/2024

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

VSD

TO

1.THE JUDICIAL MAGISTRATE, SATHANKULAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3.THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-7978[I] dated 16/07/2024)

ORDER

IN

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Date :15/07/2024

RK/VR (25/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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