



CRL OP(MD). No.23078 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Eswari

2.Maheswaran @ Hari Prasath

... Petitioners/ Accused Nos.2 & 3

Vs

The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.64 of 2024)

... Respondent / Complainant

P.Kumaresan

... Intervene Petitioner/Defacto Complainant
In CRL MP(MD).158/2025 in CRL OP(MD).23078/2024

For Petitioner : Mr.M.S.Jeyakarthik, Advocate
For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)
For Intervenor : Mr.T.Indrachithu

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.64 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 174 of Cr.P.C altered into Section 306 of IPC, in Crime No. 64 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the son of the defacto complainant namely Kishore Kumar and A4 got married on 05.12.2022. Due to some dispute, they got separated. On 26.02.2024 at about 11.00 a.m., the petitioners who are the mother and brother of A4 along with A1, who is the father of A4 went to the house of the defacto complainant's son and started abusing him and his mother Mareeswari in front of general public and they also demanded for property. Due to this incident, both of them went into depression and wrote a suicide note and consumed Arali seeds and died. There are totally four accused persons in this case and the petitioners have been arrayed as A2 and A3. A1 is said to have been arrested in this case and remanded to judicial custody.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and considering the manner in which the incident had taken place and also taking note of the fact that the earlier FIR that was registered in Crime No.8 of 2024 against the deceased and which ultimately resulted in police report which was taken on file in



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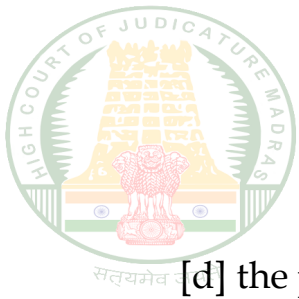
Special S.C.No.104 of 2024 and the hyper-sensitivity that was shown by the deceased
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which is evident from the suicide note that was placed before this Court, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. Accordingly, the petitioners are 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, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 on every Monday and Friday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

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



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

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[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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
07/01/2025

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/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-164[I] dated 07/01/2025)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :07/01/2025

RS/SKN/SAR-(28.01.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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