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

Friday, the Seventh day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15293 of 2015

1 RABIYOOTH THARIJA BEEVI

2 FATHIMA MUJAMILA

3 YUSUF ALAVUDEEN ... PETITIONER(S) / ACCUSED 2,3 & 1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE, ARUMUGANERI POLICE
STATION, THOOTHUKUDI DIST.
CR. NO. 228 OF 2015
... RESPONDENT / COMPLAINANT

For Petitioner : M/S.AJMAL ASSOCIATES Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

For Intervenor : M/S. M.SARAVANAN Advocate

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2, A3 and A1 in Crime No.228 of 2015 on the file of the respondent police, were arrested on 18.06.2015 for the offence under Section 174 Cr.P.C altered into Sections 498(A) and 306 IPC and hence, seek bail.

2. The case of the prosecution is that the deceased Nabila Benazir was married to the first accused on 03.08.2014 and from the date of marriage, the accused were demanding more dowry from her and also harassed her and taunted that she is "*Malady*" and she is unable of bearing children which led her to commit suicide.

3. The learned Counsel appearing for the petitioners submitted that the first accused was all along working in Chennai and due matrimonial dispute, she was residing with her mother till 16.06.2015 and she came to the matrimonial home only on that day and committed suicide on 17.06.2015.

4. It is further submitted that the first petitioner is a widow and she is taking care of her mentally retracted daughter. It is further contended that all the accused are innocent and they have been falsely implicated in this case.

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5. Per contra, the learned Counsel appearing for the intervenor vehemently opposed for granting bail to the petitioners and submitted that within ten months of the marriage, she committed suicide and even in the alteration report, it is specifically stated that all the accused were harassing the deceased, by demanding more dowry and therefore, Sections should have been altered into one under Section 304-B I.P.C. instead of 306 IPC; that the de-facto complainant has also filed an application for transfer of investigation and when if was pending for consideration, however, in the meantime, the respondent police has hurriedly completed the investigation and filed a charge sheet and therefore, this application was dismissed.

6. He further submitted that the report of the RDO categorically reveals that the deceased committed suicide due to dowry demand and therefore, the petitioners are not entitled for bail.

7. The learned Government Advocate (Criminal side) appearing for the respondent submits that the respondent has completed the investigation and also laid a charge sheet in this case and as per the statement of witnesses and the report of the RDO, the accused have been demanded dowry and harassed the deceased.

8. Considering the facts and circumstances of the case and also taking into consideration the facts that the petitioners have been incarceration from 18.06.2015 and the respondent has also filed a charge sheet, this Court is inclined to grant bail to the petitioners, with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on each of them executing a personal 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 Judicial Magistrate, Thoothukudi and on further condition that the third petitioner shall appear before the respondent police daily at 10.00 a.m until further orders and the petitioners 2 and 3 shall appear before the respondent police as and when required.

sd/-
07/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE, THOOTHUKUDI.
2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4 THE INSPECTOR OF POLICE, ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.
4 THE SUPERINTENDENT, CENTRAL PRISON, KOKKARAKULAM, TIRUNELVELI.
5 THE OFFICER INCHARGE, DISTRICT PRISON, TIRUCHENDUR.
+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No. 44774.

TS/07.08.2015/2P - 8C KBM/SAR -II

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ORDER IN
CRL OP(MD) No.15293 of 2015
Date :07/08/2015