



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.12158 of 2016

KALADEVI,

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KODALPUDUR POLICE STATION,
MADURAI DISTRICT,
CR. NO. 723 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S N.ANANTHAPADMANABHAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) of IPC and Section 4 of TNPWH Act and altered into 304(b) of IPC, in Crime No.723 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and A1 was solemnized on 31.08.2014. A male child was born in the wedlock. A1 suspected the character of the deceased and birth of the male child. Due to that, there was a frequent quarrel between the deceased and A1. The deceased went to the parents house at Madurai Refugee camp and consumed Super Vasmol and she was admitted in the hospital on 21.05.2016 and she died on 02.06.2016. Initially a case was registered under Section 498(A) of IPC and Section 4 of TNPWH Act and subsequently altered into 304(b) of IPC.

3.The case of the petitioner is that after the marriage, both A1 and deceased lived together in Salem Refugee camp. A1 is not having any permanent job. The deceased compelled A1 to come to her parents house. When he refused for the same, the deceased attempted to commit suicide by hanging herself and that was stopped by the neighbours and she promised that she will not attempt suicide in future. When she was in her parents house, she committed suicide by consuming Super Vasmol. After enquiry, the report of the Revenue Divisional Officer reveals that there is no dowry harassment. The petitioner is the mother of A1 and she is innocent and has not committed any offence as alleged by the prosecution. A1 was arrested and enlarged on bail by this Court in CrI.O.P(MD)No.11691 of 2016, dated 14.07.2016.



4.The learned Government Advocate (Crl.side) submitted that suspecting the character of the deceased, A1 quarrelled with the deceased. Due to that, she committed suicide. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that as per the report of the Revenue Divisional Officer there is no dowry harassment and contention of the learned counsel for the petitioner that earlier occasion also the deceased attempted to commit suicide and A1 husband of the deceased was arrested and enlarged on bail by this Court in Crl.O.P(MD)No.11691 of 2016, dated 14.07.2016 and this petitioner is the mother of A1, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court-cum-Additional Mahila Court, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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].

sd/-
20/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT -CUM- ADDITIONAL MAHIL COURT,MADURAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,MADURAI DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- 4 THE INSPECTOR OF POLICE,KOODAL PUDUR POLICE STATION, MADURAI DISTRICT,

+1. CC to M/S N.ANANTHAPADMANABHAN Advocate SR.No.38301.

ORDER
IN
CRL OP(MD) No.12158 of 2016
Date :20/07/2016