



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

Wednesday, the Thirtieth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9945 of 2017

1 H.FAROOK
2 KATHEEJA BEEVI FAROOK
3 BEEMA

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION, KANYAKUMARI DISTRICT
(CRIME NO.90 OF 2017) ... RESPONDENT / COMPLAINANT

ABDUL MAJITH ... PETITIONER/INTERVENOR

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

For Intervenor : Mr.R.Maheswaran, Advocate

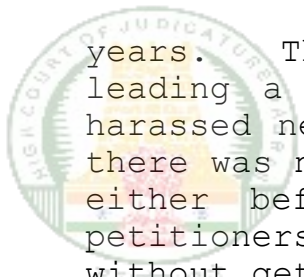
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 174 @ 304(B) and 498(A) of IPC., in Crime No.90 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter Jerina was married to one Sayed Abudhaheer, as per Muslim rights and rituals. Due to the wedlock, the defacto complainant's daughter Jerina was blessed with a female child. On 12.03.2017, at about 6.00 p.m., the defacto complainant's wife went and meet her daughter Jerina. Thereafter, the very next day ie., on 13.03.2017, the defacto complainant's own sister called the defacto complainant and informed that her daughter Jerina was dead by hanging using shawl. Immediately, the defacto complainant and his wife rushed to the spot and found her daughter Jerina hanging in the room. Hence, the defacto complainant lodged the complaint before the respondent Police on 13.03.2017.

3. The learned counsel appearing for the petitioners states that the 1st petitioner's son was working in abroad for past ten



years. The defacto complainant's daughter and her husband was leading a peaceful life. In fact, the deceased was not at all harassed neither by her husband nor by the present petitioners and there was no demand of dowry by the petitioners at any point of time either before or after marriage. As a matter of fact, the petitioners' son married the defacto complainant's daughter Jerina, without getting any dowry either before or after marriage.

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4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that totally there are 4 named accused in this case and the petitioners herein are arrayed as A2 to A4 respectively, who are in-laws of the defacto complainant. A1 is the husband, who is in abroad on the date of occurrence.

5. The learned counsel appearing for the intervener states that the accused in this case demanded 35 sovereigns of gold, household articles worth about to Rs.2,00,000/- and the intervener was compelled to spend a sum of Rs.5,00,000/-, for making marriage luxury and even after the marriage, they all demanded dowry to the defacto complainant's daughter to bring additional 25 sovereigns of gold and Rs.50,000/- in cash and the deceased did not inform the same to the intervener on realizing the family situation. The deceased was not even given proper food, even when the deceased got ill in her marital home, she was refused to take her to hospital.

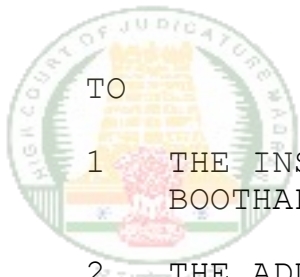
6. Admittedly, the Revenue Divisional Officer's Report reveals the fact that the deceased said to have died due to demand of dowry harassment. The deceased has committed suicide by hanging with shawl in the house of in-laws. The first accused in this case is in abroad. The statement given by the witnesses before the Revenue Divisional Officer also reveals the fact of demand of dowry by the petitioners herein in the absence of the first accused in this case.

7. Considering the above facts and circumstances of the case and also considering the fact that the deceased committed suicide by hanging in the house of in-laws, who are the petitioners herein and the Revenue Divisional Officer's Report also confirm the factum of demand of dowry and the cause for the death of the deceased, this Court is not inclined to grant anticipatory bail to the petitioners, at this stage. Hence, this Criminal Original Petition stands dismissed.

sd/-
30/08/2017

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



TO

1 THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION, KANYAKUMARI DISTRICT

2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.29624

ORDER

IN

CRL OP (MD) No.9945 of 2017

Date :30/08/2017

SM:RR-BS:SAR 2:1.9.2017:3P/4C