

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15414 of 2018

1 AMARAVATHY,
2 LAKSHMI,
3 DURAISELVI @ SELVI

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE (L&O),
R1, MAMBALAM POLICE STATION,
CHENNAI. CR.NO.128 OF 2018

[RESPONDENT]

For Petitioner : M/S.K.SELVAKUMARASWAMI Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.128 of 2018 registered by the respondent police for the offence under Section 174 (iii) of Cr.P.C., and later altered to 304(b) of IPC.

2. The case has been registered based on the compliant given by one Surendran, brother of the deceased, namely Swetha. As per the complaint given by the defacto complainant, the marriage between the first accused and the victim Swetha took place during October 2016 and that the first accused was running a plastic shop at T.Nagar and that the defacto complainant was living along with his sister, the deceased and her husband, the first accused herein at Chennai. Right from the date of marriage, they were living happily and the victim was also having a child. On 20.02.2018, they celebrated the birthday of the first accused. At that time, the victim had asked her husband why her grand mother did not come and the first accused had informed that they will call her in the morning. While so, as usual the defacto complainant had gone to the shop and the first accused also gone to the shop. On 20.02.2018 around 7 pm in the evening the brother of the first accused had called the defacto complainant and informed him that his sister had committed suicide by hanging.

3. The learned counsel for the petitioners would submit that the complaint has been given by the brother of the deceased, who was living along with them in the house and that even in the complaint he

had stated that his sister and her husband were living happily together and that there is no whisper about any demand of dowry or any harassment being meted out to the victim. While so, as an afterthought, a complaint has been given as if there was a demand of dowry. He would further submit that though the complaint was registered as early as on 20.02.2018, A1, A2 and A3, who were respectively the husband of the deceased and his parents, were arrested on 18.05.2018 and they have been granted bail by this Court by an order dated 07.06.2018 in CrI.O.P.No.14844 of 2018. He would further submit that as far as these petitioners are concerned they are respectively sisters of A3, the maternal aunts and the mother-in-laws of the deceased. He would submit that admittedly, these persons are living at Periyakulam in Theni District and that there is no allegation as if the petitioners either demanded any dowry or instigated the victim to commit suicide.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the allegations against the petitioners is that the petitioners have compared the deceased to the second daughter-in-law and also compared about the dowry given by the second daughter-in-law and thereby, the victim committed suicide by hanging. He would further submit that the major part of the investigation is over.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the arrested main accused have also been enlarged on bail, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:-

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 10.30.a.m for a period of two weeks and thereafter, as and when required for interrogation;

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
14/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (L&O),
R1, MAMBALAM POLICE STATION, CHENNAI.

+1 CC to M/S.K.SELVAKUMARASWAMI Advocate on payment of necessary charges-Sr.10827

CRL OP.15414/2018

Date :14/06/2018

ths : 20.06.2018