



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

Monday, the Seventeenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21806 of 2018

1 MARIMUTHU
2 DHANALAKSHMI
3 VIJAYALAKSHMI

... PETITIONERS/ ACCUSED
Nos.1-3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT
Crime No.74/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.SOLAISAMY Advocate

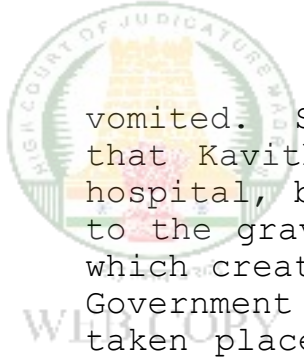
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/accused 1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C in Crime No.74 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are husband, mother-in-law and sister-in-law of the deceased Kavitha. The marriage between the deceased and first petitioner was taken place in the year 2013. The first petitioner was running a hotel and for his trip to China, in the year 2014, Rs.30,000/- was demanded and given by the parents of the said Kavitha. Thereafter, that amount was repaid by the first petitioner. On 15.03.2017, there was a quarrel between the husband and wife. Thereafter, the parents of the deceased was informed and they had come and tried to pacify the issue. Thereafter, they had called the said Kavitha to come to their home, for which, she refused. Thereafter, parents of Kavitha obviously finding fault with Kavitha stated that “இந்த வீட்டிலேயே சேர்த்து கொடுக்கிறேன்” (I will keep her in this house). Thereafter on 16.07.2018, as usual, the first petitioner went to the hotel. The said Kavitha also went to the hotel to assist her husband. In the hotel, the said Kavitha



vomited. Suspicious about her health, the worker at the hotel found that Kavitha consumed poison. Immediately, she was taken to the hospital, but she was declared dead. Thereafter, the body was taken to the graveyard without informing the parents of the said Kavitha, which created some suspicion. Thereafter, the body was taken to yhr Government Hospital for conducting post mortem. Since the death had taken place within 7 years of marriage, RDO enquiry was conducted. There is no finding given by the RDO about the dowry demand or cause of the death in pursuant to the dowry demand.

3. The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is family dispute between the first petitioner and the deceased and investigation is going on.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.I, Sattur and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation; the other petitioners shall report before the respondent Police 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 petitioner 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/-
17/12/2018

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

TO

- 1.THE JUDICIAL MAGISTRATE NO I,
SATTUR.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3.THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.SOLAISAMY Advocate SR.No.23477

ORDER
IN
CRL OP(MD) No.21806 of 2018
Date :17/12/2018

TK/VR.MMS/SAR-1/24.12.2018/3P/6C