



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22310 of 2018

ABIRAMI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
CRIME NO.848/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.MALAICHAMY Advocate

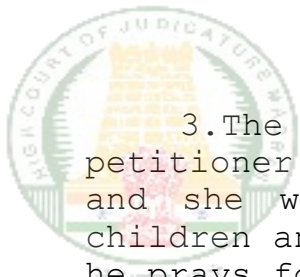
For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 24.11.2018 for the offences punishable under Sections 174Cr.P.C @304(b) of IPC in Crime No.848 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the petitioner is the sister-in-law of the deceased and having two childrens and living with with her family far away from the matrimonial home of the deceased. There seems to be some relationship between the deceased and the first accused. On 04.11.2018 at about 07.00p.m the deceased is said to have called up on her mother and told her that her husband is demanding money for buying road roller for which her mother asked her daughter to wait for a day so that she could bring her son and sought out the issue. In the meanwhile at about 09.00p.m, she received a phone call stating that he daughter has committed suicide by hanging herself and when they visited the scene of occurence, they saw the body of the deceased laid down in the floor. Suspecting the death of the deceased, she gave a complaint to the respondent police and thereafter RDO had conducted an enquiry and had submitted a report on 26.11.2018 stating that the death was not due to any dowry demand.



3. The learned counsel for the petitioner would submit that the petitioner was married even prior to the marriage of the deceased and she was living separately with her family and she had two children and RDO report reveals that there is no dowry demand. Hence, he prays for grant of bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the state.

5. Considering the above facts and circumstances and RDO report reveals that there is no dowry demand and there is a categorical finding that the deceased had informed her mother only with regard to her husband and not about this petitioner, being a case or a person or any act which caused the death and this person was not present and she had not played any role soon before the death of the deceased and no proximity would be attributed to the cause of the death and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Additional Mahila Court, Madurai and on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

sd/-

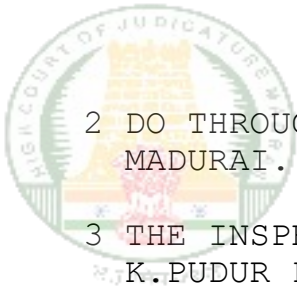
18/12/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
ADDITIONAL MAHILA COURT, MADURAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.MALAICHAMY Advocate SR.No. 23480

ORDER
IN
CRL OP(MD) No.22310 of 2018
Date :18/12/2018

JM/PN AC/SAR 1/18.12.2018/3P/7C