

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17104 of 2019

S.VISALAKSHI

[PETITIONER / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE [RESPONDENT]
OTTERI POLICE STATION, KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

For Petitioner : M/S.KUMARESAN P. Advocate

For Respondent : MRS.M.PRABHAVATHI, Addl.Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 (3) of Cr.P.C. Subsequently altered into Sec.498(A) and 304(B) of IPC in Crime No.285 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the mother-in-law of the deceased and it is alleged by the defacto complainant, who is the mother of the deceased that the petitioner's son got her daughter namely Madhangi married on 19.01.2017 and they blessed with a boy. It is further alleged that the said Madhangi was working as Assistant Manager in Indian Bank and the defacto complainant came to know that after few months after the marriage, the petitioner and her family members tortured the said Madhangi to bring jewels and money and subsequently they assaulted the said Madhangi and left her in the defacto complainant's home and informed that she was sick and no persons available for take care of her. On 05.09.2018, the defacto complainant admitted her daughter in the hospital for her poor health, at that time the petitioner was also accompanied the defacto complainant. After examining her, the doctors informed that the defacto complainant's daughter died. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner would submit that

there was no dowry demand from the petitioner and it is only the dispute between the husband and wife. There was a quarrel between them. Even, according to the post mortem's report she died for the reason that due to the cardiac arrest. Insofar as the petitioner is concerned, even according to the case of the prosecution is that she has no role to the occurrence took place. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there was a dispute between the husband and wife. She further submitted that even according to the RDO's report insofar as the petitioner is concerned she has no specific role in the occurrence. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5.It is seen that the case of the prosecution is that there is no dowry demand by the petitioner as well the first accused. Due to dispute between the first accused and the deceased, she left from the matrimonial house to the defacto complainant's home. On 05.09.2018, she got chest pain and immediately, she was admitted into the hospital and she died due to the cardiac arrest.

6.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Learned Mahila Court Chengalpet 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

[d] the petitioner 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 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]**.

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

-sd/-
08/07/2019

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 MAHILA COURT,
CHENGALPET.

2 THE INSPECTOR OF POLICE
OTTERI POLICE STATION, KANCHEEPURAM, KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.KUMARESAN P. Advocate on payment of necessary charges, SR.NO.13797

CRL OP.17104/2019

Date :08/07/2019

CSL/15.07.2019

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