

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.562 of 2019

1. Chinnaraj
2. Munikrishnappa
3. Munirathna

.... Petitioners/Appellants
/Accused 1 to 3

.Vs.

1. State by the Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

2. NarayanammaRespondents/Complainants

(R2 is impleaded as per order dated
04.09.2019, in Crl.M.P.No.12764/2019
in Crl.A.No.562/2019)

PRAYER:- The Criminal Appeal filed seeking to set aside the dismissal bail order dated 09.08.2019, made in Crl.M.P.No.1536/2019 by the Principal District and Sessions Judge, Krishnagiri District and release the Appellants on bail pending investigation in Cr.No.126/19 on the file of Respondent.

For Appellants : Mr.M.P.Saravanan

For Respondents: Mr.M.Mohamed Riyaz, APP, for R1

: No appearance for R2

W E B C O P Y
O R D E R

The criminal appeal has been filed by the appellants/A1 to 3, seeking to set aside the dismissal order, dated 09.08.2019, made in Crl.M.P.No.1536/2019, by the Principal District and Sessions Court, Krishnagiri District.

2. This Court heard the learned counsel for the appellants and the learned Additional Public Prosecutor for the 1st respondent.

3. The case of the prosecution, as per the de-facto complainant namely Narayanamma, is that she belongs to the Schedule Caste Community and that her younger daughter Rathna is aged about 20 years and was cheated and married by A1/Chinnaraj and the said Chinnaraj, belongs to the Upper Caste Community and out of their wedlock, Rathna has 3 years old girl child and the appellant/ A2 and A3, who are the parents of the 1st petitioner/A1 were against the marriage between the 1st petitioner/A1 and the de-facto complainant's daughter and they did not allow her to live in the house and she was made to live outside. While so, the relatives of the petitioners had gone to the de-facto complainant and asked her to receive Rs.3,00,000/- and to dissolve the marriage and they have not agreed for it. While so, on 16.07.2019, the daughter of the de-facto complainant had come to her house and demanded Rs.25,000/- saying that her husband and in-laws have demanded the amount and caused harassment to her. Thereafter, she had received information that the petitioners have caused death of her daughter by administering poison and later, she came to know that it is a case of suicide. Based on the complaint given by the de-facto complainant, the case in C.No.126/2019 was registered under Section 174 (3) Cr.P.C., and the investigation is pending.

4. The learned counsel for the appellants/A1 to 3 would submit that the marriage between the de-facto complainant and the deceased was love marriage and the de-facto complainant was against their marriage and due to wed lock, the petitioner/A1 and the deceased have a girl child, aged about 3 years and that due to harassment by her parents, the victim had committed suicide by consuming poison, whereas the de-facto complainant had attempted to project a case as if the petitioners had caused death of the victim. He would submit that the RDO had also conducted an enquiry and opined that there was no demand of dowry and would submit that the petitioners are inside the prison from 19.07.2019 for about 65 days and the major part of the investigation is over.

5. This Court had directed the petitioner to take private notice to the de-facto complainant and private notice has been served and the respondents have also intimated to the de-facto complainant and thereby, the name of the de-facto complainant is also printed in the list. There is no appearance for the de-facto complainant.

6. The learned Government Advocate, Mr.Raghavan, would vehemently oppose, stating that the victim belongs to the Schedule Caste Community and that the petitioner/A1 married her four years back and they have a girl child and that due to demand of dowry, the appellant/petitioners have administered poison to the deceased and thereby, caused death, of the

deceased. However, RDO enquiry states that it is a case of suicide.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this criminal appeal is allowed and the petitioners/A1 to A3 are ordered to be

enlarged on bail on the following conditions:-

- i. Each of the Petitioners/A1 to A3 shall execute 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 Judicial Magistrate No.I, Hosur.
- ii. The Petitioner/A1 shall report before the respondent every day at 10.30 a.m., and 5.30 p.m., until further orders.
- iii. The Petitioners/A2 and A3 shall report before the respondent every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

ssi

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Krishnagiri District.
2. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.
4. The Judicial Magistrate No.I,
Hosur.

+1cc to Mr.M.P.Saravanan, Advocate, SR.No.81349

CrI.A.No.562 of 2019

Kak (23/09/2019)