



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

Wednesday, the Ninth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.373 of 2019

1 VASANTHA
2 RAMESH
3 UMAMAHESWARI

... PETITIONER / ACCUSED NOS.2,3 AND 4

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.32/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.MATHAVAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174 Cr.P.C @ 498(A), 304(B) and 201 of IPC in Crime No.32 of 2018, on the file of the respondent police, seek bail.

2. The petitioners herein are the mother, brother and brother's wife of the petitioner herein. The marriage between the first petitioner daughter and the accused was solemnized on 20.05.2012. Out of their wedlock, they got two childrens. The accused is working as a collection agent in the Repco Bank and he had lot of debts, for which he has sent deceased Savithiri to get money from her sister and she had also brought Rs.4,00,000/- and 20 sovereigns of gold to help the petitioner. This was not repaid by the accused as promised and hence there was a dispute between them. Unable to bear the mental and physical cruelty, on 05.02.2018 the deceased hang herself in the matrimonial home. This information was passed to the first petitioner stating that her daughter was fainted and when they reached the house of the deceased they saw the body of their daughter kept in the freezer box. Since the death had taken



place within 7^{1/2} years of the marriage RDO enquiry was conducted and RDO has given a report on 04.04.2018, in which he has given a finding that the death was due to dowry demand and the same has reached the Court on 26.12.2018

3. The learned counsel for the petitioners would submit that the petitioners are in-laws and they have been unnecessarily roped in this case. He would further submit that the petitioners are residing separately and they never lived in a shared household.

4. The learned Government Advocate(Crl.Side) would submit that investigation in this case is almost over and RDO has conducted a enquiry and report has been sent to the concerned court and charge sheet is yet to be filed.

5. Taking into consideration the facts of the case and the fact that investigation is almost completed ,this Court inclined to grant anticipatory bail to the petitioners.

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, Pudukottai on condition that the petitioners 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 said Magistrate, on further condition that:

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

[b] the second petitioners shall report before the respondent 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/-
09/01/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3 THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.G.MATHAVAN Advocate SR.No.465

ORDER
IN
CRL OP(MD) No.373 of 2019
Date :09/01/2019

JM/VR/SAR 3/18.01.2019/3P/6C