



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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7390 of 2019

1 R.RAJENDRAN

2 R.UMA @ UMAMAHESWARI

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION
THENI DISTRICT.
(CRIME NO.367 OF 2019)

... RESPONDENT / COMPLAINANT

M.MAHOHARAN

... PETITIONER/INTERVENER

For Petitioner : MR.R.ANAND, Advocate
for MR.R.NIRESH KUMAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

For Intervener : MR.A.K.MANICKAM, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C and 309 of IPC @ 306 and 309 of IPC in Crime No.367 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners herein are parents of A1 and even as per the F.I.R., the deceased came out of the matrimonial home one year prior to the death and in such case, Section 304(B) would not get attracted. He further submitted that in the F.I.R, the main allegations are made against A1 only not against the petitioners herein. He further submitted that in the F.I.R it is stated that the



petitioners herein along with A1 entered into quarrel with the deceased one year prior to the occurrence, but it is not specifically stated that the said quarrel was with regard to demanding dowry and therefore, he further submitted that when the petitioners herein moved anticipatory bail application with regard to registration of earlier F.I.R in Crime No.14 of 2018, this Court passed an order on 11.01.2019 to open the locker in the presence of the Investigating Officer. Pursuant to the said order, bank locker has also been opened and nothing was found in the said locker and therefore, the allegations against the petitioners that they have retained jewels of the victim is false. He further submitted that since the petitioners happen to be the parents of A1, they have been falsely implicated in the above case and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervener/defacto complainant has submitted that though it is not specifically stated in the present F.I.R that on what account, the petitioners herein have quarreled with the victim, in the previous complaint (I.e.) in Crime No.14 of 2018, the victim herself has specifically stated that the petitioners herein also caused cruelty by demanding dowry. He further submitted that the particulars which were obtained from the bank would show that even before passing of the order by this Court in CrI.O.P.(MD).No.2270 of 2018 dated 11.01.2019, the petitioners herein frequently have opened the locker and it shows that they would have already taken away jewels from the locker. He further submitted that since the petitioners herein along with their son(A1) gave harassment continuously, the victim was compelled to leave matrimonial home and reside with her parents. He further submitted that even after she left the matrimonial home the petitioners gave illegal advice to their son(A1) for getting second marriage and that was the reason for committing suicide by the victim girl after administering poison to her 1½ year female child. He further submitted that the petitioners herein in CrI.O.P.(MD).No.22700 of 2019 have stated before this Court that there is a possibility for reunion of A1 and the defacto complainant, but they have not kept their promise and if they had really taken steps for reunion of A1 with defacto complainant, the victim would not have taken the extreme steps of ending her life and therefore, he strongly opposed this petition.

5.The learned Government Advocate (CrI. Side) appearing for the State has adopted the arguments advanced by the learned counsel for the intervener/defacto complainant. She has also opposed this petition.

6.A perusal of the FIR shows that the defacto complainant has stated that priyanka/deceased had left the matrimonial home one year prior to the occurrence, after quarrel between herself and the petitioners herein and A1. In the said FIR it is not specifically stated that what was the reason for the said quarrel. Further only after one year from the date of leaving the matrimonial home, the



victim has committed suicide. Further the main allegations are against A1 only. The petitioners herein are the parents of A1. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodi, Theni District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

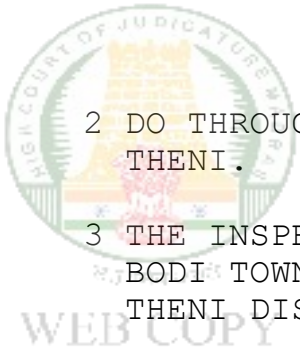
27/06/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION
THENI DISTRICT.

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

+2. CC to M/S.R.NIRESH KUMAR Advocate SR.No. 10691 & 71919
+1. C.C. to M/S.A.K.MANICKAM Advocate SR.No. 10575

ORDER
IN
CRL OP (MD) No.7390 of 2019
Date :27/06/2019

JM/JC/SAR 4/09.07.2019/4P/8C