



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22876 of 2018

1 ARUNKUMAR

2 BOOMADEVI

... PETITIONER/ ACCUSED

No. 2 and 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI
SIVAGANGAI DISTRICT
Crime No.21/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.RAMESHKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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 alleged offences punishable under Sections 498(A) altered into 174(3) of Cr.P.C. altered into 498(A) and 304(B) I.P.C in Crime No.21 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner / Boomadevi is the fourth accused in this case. The marriage between the first petitioner and the de facto complainant were taken place on 12.09.2018. At the time of marriage, the de facto complainant's family had given seethana articles and dowry to the petitioners family. Thereafter, on 21.11.2018 at about 11.00 a.m. the deceased had gone to her parents' house, wherein, she has stated that her in-laws had demanded five sovereigns of Gold and Rs.1,00,000/- as additional dowry. When the deceased had attempted to enter the matrimonial home, the in-laws had questioned the same and abused the de facto complainant and asked her to die. Due to which, she consumed rat poison. Immediately she was taken by her brother to Vellammal Medical College Hospital. During her medical treatment,



the brother of the deceased had enquired the reason for consuming the rat poison. She had categorically stated that because of the demand made by her in-laws, she consumed poison. She passed away on 27.11.2018. Hence the complaint.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition insofar as the first petitioner herein is concerned.

5. Recording the submission made by the learned counsel appearing for the petitioners, this Criminal Original Petition stands dismissed as withdrawn insofar as the first petitioner is concerned.

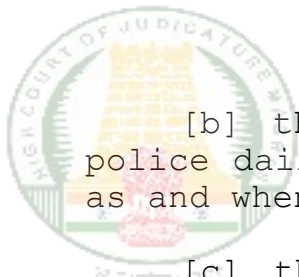
6. Though the victim was in the hospital for four days, no attempt was made to record the dying declaration.

7. The learned Government Advocate (Crl. side) would submit that one of the Head Constable attached to the Police was deputed to the Hospital to hand over letter and the need to record the dying declaration, but the Management of the Hospital refused to receive the same which is against the law. This court feels that failure to co-operate with investigation for recording of the dying declaration statement would amount to interference in the investigation and collection of important piece of evidence is lost, which has to be viewed seriously. The respondent Police is directed to intimate this to the Medical Authorities so that such things does not occur in future.

8. Considering the facts and circumstances of the case and also the fact that second petitioner, who is an un-married College going girl, has not involved in the family affairs and she has not taken any active role in the marriage, this Court is inclined to grant anticipatory bail to the second petitioner herein.

9. Accordingly, the second 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, Sivagangai District, on condition that the second 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 said Magistrate, on further condition that:

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



[b] the second petitioner shall report before the respondent police daily at 06.00 p.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the second 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 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/-
18/01/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1.THE HEALTH SECRETARY,
GOVERNMENT OF TAMIL NADU, FOR.ST. GEORGE,CHENNAI 600 0096.
- 2.THE COMMISSIONER OF POLICE, MADURAI CITY.
- 3.THE MEDICAL COUNCIL OF INDIA,CHENNAI.

ORDER
IN
CRL OP(MD) No.22876 of 2018
Date :18/01/2019