

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Cr1.O.P.No.8093 of 2020

1. Raj kamal (M/32),
S/o. Nesamani

2. Divya (F/28),
W/o. Rajkamal
Both residing at
Melanur Village,
Ponneri Taluk,
Thiruvallur District.

... Petitioners/A2 & A3

Vs.

State represented by,
The Inspector of Police,
Minjur Police Station,
Tiruvallur District.
(Crime No.1089 of

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to enlarge the Petitioner on bail in Crime No.1089 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. Charles Alexander

For Respondent : Mr. M. Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 (3) of Cr.P.C., @ 498(A), 304(B), 306 of IPC in Crime No.1089 of 2020 seek anticipatory bail.

2. The case of the prosecution is that the deceased married the 1st accused on 27.02.2020 at Ezhil Marriage Hall. At the time of marriage and after the marriage, there was dowry demand from the petitioners' family including the petitioners herein. It is also alleged that there was a demand for Fortuner Car from the deceased's family following which, the deceased was driven out from the matrimonial home. Thereafter, the deceased committed suicide by hanging herself at her parents house on 27.04.2020. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that there are totally 4 accused in which the petitioners' are arrayed as A2 and A3 and they are none other than the brother and sister-in-law of the 1st accused. He further submitted that the petitioners are staying away from the house of the 1st accused and they are nothing to do with the allegations as alleged by the prosecution. Even according to the suicide note, there is absolutely no specific allegation as against the petitioners and all the statements are bald and vague. He would further submit that there is no allegation about demand of dowry against the petitioners. As far as the 1st accused is concern, he was arrested and remanded to judicial custody and the fourth accused viz., the mother-in-law of the deceased was also arrested and subsequently released on bail. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the defacto complainant/intervenor would submit that the petitioners are the main accused, having demanded Fortuner Car in favour of the 1st accused from the deceased's family immediately after the marriage. Even at the time of marriage, they demanded dowry and as such within a week after the marriage, the deceased was driven out from the matrimonial home. Therefore, the deceased committed suicide by hanging on 27.04.2020 at her parents house with a suicide note and there is a specific allegations against the petitioners. Initially, the case was registered under Section 174 (3) of Cr.P.C. After investigation, the offences were altered to Sections 498A, 304B and 306 of IPC. Hence, he vehemently opposed for the grant of bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that there are totally four accused in this case in which the petitioners are arrayed as A2 and A3. The marriage between the 1st accused and the deceased took place on 26.02.2020 and the deceased was driven out from the matrimonial home by demanding dowry. Therefore, the deceased committed suicide by hanging herself in her parents house on 27.04.2020 with suicide note and in the suicide note, there is a specific allegation as against the petitioners herein. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. It is seen that there are totally four accused in which the petitioners are arrayed as A2 and A3. The petitioners are brother and sister-in-law of the 1st accused. The 1st accused is the husband of the deceased. The 1st accused was already arrested and remanded to judicial custody. In so far as the 4th accused is concern who is the mother-in-law of the deceased, was arrested and subsequently released on bail. Even according to the case of the prosecution, on 27.02.2020 the marriage took place between the 1st accused and the deceased wife. Thereafter, due to family dispute between the 1st accused and the deceased, the deceased was driven out from the matrimonial home within a week from the date of marriage. Thereafter, she was staying in her parents house. According to the prosecution case, even at the time of marriage and after the marriage there was a dowry demand by

the family members of the 1st accused and as such, the deceased was driven out from the matrimonial home. It is seen from the suicide note that there is no such allegation about demand of dowry by the petitioners or by the 1st accused. Admittedly, the deceased was driven out from the matrimonial home to her parents house within a period of one week from the date of marriage. Therefore, there is no material to show that the petitioners instigated the deceased to commit suicide soon before her death viz., on 27.04.2020.

7. Taking note of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Ponneri, on condition that the petitioners shall execute a separate 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 petitioners 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 1st petitioner shall appear 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 2nd petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

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

-sd/-

25/06/2020

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 JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

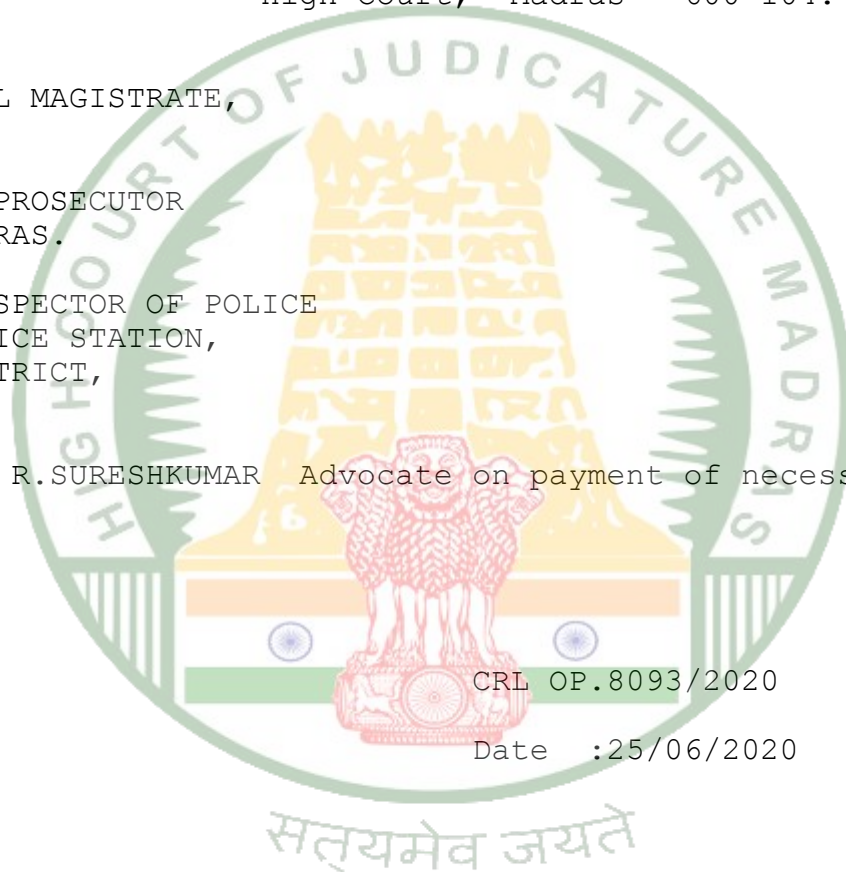
3 STATE BY INSPECTOR OF POLICE
E-3, MINJUR POLICE STATION,
THIRUVALLUR DISTRICT,

CC to M/S. R.SURESHKUMAR Advocate on payment of necessary charges

CRL OP.8093/2020

Date :25/06/2020

rd 22/07/2020



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