

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8096 of 2020

Nirmala

... Petitioner

Vs.

State rep.by
The Inspector of Police,
E-3, Minjur Police Station,
Thiruvallur District.
Crime No.1089 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner /accused on bail and release her from the custody in Crime No.1089 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2020 for the offences punishable under Sections 174 (3) Cr.P.C @ 498(A), 304(B) and 306 of IPC in Crime No.1089 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.04.2020, the defacto complainant lodged a complaint stating that her daughter Padmapriya, aged about 24 years, a B.E. Graduate, was approached by one Rajkamal, brother of Rajaram, seeking for marriage to his brother who is working in Tamil Nadu Special Police Battalion, Avadi. For marriage, they made a demand of Fortuner Car and 50 Sovereign jewels. On 27.02.2020, the marriage reception was performed at Ezhil Thirumana Mandapam, Minjur. But, the defacto complainant presented Maruti Suzuki car as dowry, instead of Fortuner car. Thereafter, the defacto complainant's daughter was subjected to cruelty in demand of dowry and she was sent away from the matrimonial house. Thereafter, the deceased lodged a complaint to commandant of Battalion, Avadi, against her husband and he was called for enquiry. After that, the said Rajaram called the deceased and shouted and forced her to give divorce. The deceased cried to her mother, stating that they have chosen wrong bride for her.

Thereafter, the defacto complainant and her husband went out. At about 4.00 p.m., the deceased wrote suicide note and committed suicide by hanging. Thereafter, complaint was registered to the respondent police.

3. The contention of the learned counsel for the petitioner is that the marriage between the said Rajaram and the deceased is an arranged marriage. The marriage was performed after exchange of visit by both family and after understanding each family's status and culture. The deceased was in dejected mood from the first day of marriage and after enquiry, it came to know that she was not interested in that marriage and only by compulsion of her parents, she accepted for marriage. She lived in the matrimonial house only for few days and left the matrimonial house and lived with her parents. Therefore, the petitioner is no way connected with her suicide and she did not demand any dowry from the deceased. Moreover, the petitioner is also an aged woman and having some health problems. The RDO enquiry was also completed and the report yet to be received. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the deceased in an educated girl and she was greatly affected since the petitioner's family members were adamant in demand for dowry and due to which, few days after, she sent out of the matrimonial house and later committed suicide. She was forced to end her life due to unreasonable demand of dowry and harassment caused by the petitioner family. So, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 04.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 (Andhra Bank, Madhya Kailash Branch, SB A/c.No.149710011005477) and on such deposit, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the Deputy Superintendent of Police, Ponneri as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

17/06/2020

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 PRINCIPAL DISTRICT AND SESSION JUDGE,
TIRUVALLUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-3, MINJUR POLICE STATION,
THURUVALLUR DISTRICT.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
PONNERI.

6 THE CANCER INSTITUTE (WIA), (REGIONAL CANCER
CENTRE), ADYAR, CHENNAI-600 020 (ANDHRA BANK,
MADHYA KAILASH BRANCH, SB A/C.NO.149710011005477)

CC to M/S A.P.SATHYAMURTHY Advocate on payment of necessary
charges

CRL OP.8096/2020

Date :17/06/2020

TA-08/10/2020