

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8190 of 2020

1. Dharuman ... Petitioners
2. Suresh
3. Venkatesan @ Sudhakar

Vs.

The State represented by, ... Respondent
The Inspector of Police,
Pathirivedu Police Station,
Thriuvallur District.
Crime No.319 of 2020

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of their arrest in respect of Crime No.319 of 2020 on the file of the Inspector of Police, Pathirivedu Police Station, Thiruvallur District.

For Petitioners: M/s.B.Devakumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The Petitioners who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 174(3) Cr.P.C. @ 498-A and 306 of IPC, in Crime No. 319 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.P.C, seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter Sunitha got married to the first accused on 08.09.2019. At the time of marriage Dowry and Sreedhana were given. The further allegation is that the petitioners who were family members along with the husband of the victim harassed the defacto complainant's daughter demanding dowry due to which she had committed suicide by hanging. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are father and brothers of the first accused, after the marriage of A1 to the victim girl they were living separately and the petitioners were living separately. The defacto

complainant's daughter was not interested in marriage with A1 due to which all the time she quarrelled with her husband and left the matrimonial home and thereafter on conducting a panchayat, on compulsion the defacto complainant had forcefully left the victim girl at the house of A1 where she had committed suicide. Whereas a false complaint has been given as if she committed suicide on account of demand of dowry. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners are father and the brothers of A1. The marriage between A1 and the victim girl took place on 08.09.2019. Due to continuous demand of dowry the victim girl committed suicide by hanging. Therefore, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, before the **learned Judicial District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only)** with two **sureties each**, within a period of fifteen days from the date on which the order copy made ready 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 surety 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 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].

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

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

-sd/-

09/07/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PATHIRIVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S B.DEVAKUMAR Advocate on payment of necessary charges

CRL OP.8190/2020

Date : 09/07/2020

MN-RD-12/08/2020