

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8587 of 2020

Vennila

... Petitioner

Vs.

The State rep. by Sub-Inspector of Police,
Thanipadi Police Station,
Thanipadi,
Tiruvannamalai District.
(Crime No.1206 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1206 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate(Crl.Side)

O R D E R

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 174(3) Cr.P.C @ to under Section 304(B), 498(A) and 506(i) of IPC, in Crime No.1206 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant is the mother of the victim. A1 was married to her daughter on 09.02.2017. At that time, 20 sovereigns of gold ornaments and Rs.50,000/- cash was given. After the marriage, the petitioner and her husband along with her brother seems to have demanded dowry from the defacto complainant's family and they were fulfilling their demand to the extent possible. While so, on 16.05.2020, the brother of the defacto complainant called her and informed that her daughter committed suicide by hanging at Matrimonial Home. Hence the complaint.

3. The learned counsel for the petitioner would submit that the victim was married to the son of the petitioner on 09.12.2017 and within two years, they had two children, which would only show that love and affection prevailed between the husband and wife. He would further submit that when the petitioner was working in the field, some other person informed her that her daughter in law Dhanalakshmi had committed suicide. Immediately, they have rushed the victim to the hospital, where she was declared as brought dead. He would further submit that the petitioner and her families never demanded dowry and there is no reason for the victim to commit suicide. He would further submit that her son and her husband were arrested and they have been enlarged on bail. He would submit that the petitioner has nothing to do with the alleged offence and a false case has been foisted against this petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate would submit that the marriage between the victim and the son of the petitioner took place on 09.02.2017. Due to harassment, she committed suicide by hanging at Matrimonial home. He would submit that the RDO enquiry has been concluded. Hence, he opposed for grant of anticipatory bail.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Chengam, on condition that the 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 conditions that:

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

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter, as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 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]; and;

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

-sd/-

31/07/2020

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 MAGISTRATE,
CHENGAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
THANIPADI, TIRUVANNAMALAI DISTRICT.

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

WEB COPY

CRL OP.8587/2020

Date :31/07/2020

cs 18/08/2020