

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9091 of 2020

1. P. Loganathan
S/o. Prabalan
2. P. Kasthuri,
w/o.Prabalan
3. Y. Kannan
S/o. Yesu
4. K. Bhavani
W/o. Kannan
all are residing at
No.41, Ekkal Colony
Vellivoyal Savadi
Chennai 600 103

...Petitioners

Vs

The State, rep. by its Inspector of Police,
M7, Manali New Town Police Station
Tiruvallore Dist.
(Crime No.700/2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in

Crime No.700 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondent/s : 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 498(A), 116 read with 306 of IPC in Crime No.700 of 2020 seek anticipatory bail.

2. The case of the prosecution is that the petitioners continuously harassed the deceased and also demanded dowry. The first accused is the husband and others are family members of the first accused. On 23.05.2020, because of the harassment made by the petitioners, the deceased committed suicide by hanging herself. Immediately, she was taken to the hospital and on 27.05.2020, but she died, Hence the complaint.

3. The learned counsel for the petitioners would submit that the marriage between the first petitioner and the deceased took place 10 years before and they also lived happily and gave birth to two children. After the period of 10 years, due to wordy quarrel between the husband and wife, the wife committed suicide by hanging herself on 23.05.2020. Immediately she was taken to the hospital and she had been given treatment for four days. Unfortunately, she died on 27.05.2020.

4. The learned Additional Public Prosecutor would submit that there are totally four accused and the first accused (husband of the deceased) and the other family members of the first accused harassed the deceased and also demanded dowry. Due to harassment, the deceased committed suicide by hanging herself on 23.05.2020 and immediately she was taken to the hospital and she died on 27.05.2020.

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5. From the above facts and circumstances of the case, it is seen that the first accused is the husband and the second accused is the mother of the first accused. Third and fourth accused are family members of the

first accused. Admittedly, the marriage took place between the first petitioner and the deceased 10 years before and they gave birth to two children. There was a family dispute between the first petitioner and the deceased, therefore, on 23.05.2020, the deceased committed suicide and died on 27.05.2020. She was on ventilation and as such the respondent police was not able to record the dying declaration of the deceased.

6. Considering the above facts and circumstances, this petition, as against the first petitioner is dismissed. Insofar as the other petitioners are concerned, this Court is inclined to grant anticipatory bail to them.

7. Accordingly, the petitioners 2 to 4 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 Court-II, Ponneri on condition that each of the petitioner shall execute 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 2 to 4 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 third petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation, and the second and fourth petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners 2 & 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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.K.ILANTHIRAIYAN, J

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

23.06.2019

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

To

1. The Inspector of Police,
M7, Manali New Town Police Station
Tiruvallore Dist.

2. The Additional Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.9091 Of 2020