

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9345 of 2020

1.Elumalai

2.Padma

3.Jayabharathi @ Jayapriya Petitioners

Vs.

State rep.by

The Sub Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.

[Crime No.107 of 2020] Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.107 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.S.Manikandan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 174(3) of Cr.P.C. and later, the case was altered to Sections 498(A) and 306 of IPC, in Crime No.107 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that the marriage between the daughter of the defacto complainant and son of the first and second petitioners took place on 14.06.2019. On 18.03.2020 at about 10.00 p.m., she committed suicide in the matrimonial house, due to the cruel acts of her husband and the petitioners. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are the father-in-law and mother-in-law and sister-in-law of the deceased. He would further submit that the marriage between the son of the first and second petitioners and the victim took place on 14.06.2019 and that the victim was forced into marriage and that there was no compatibility between the victim and the son of the first and the second petitioners. Since she was forced into the marriage, she committed suicide. He would further submit that the son of the first and second petitioner/A1 was arrested and enlarged on bail. He would further submit that an enquiry was conducted by the RDO and the RDO enquiry disclosed that there was no demand of dowry or there is no allegation as if the petitioners abused or harassed the victim. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the victim is the wife of the son of the first and second petitioners. The marriage between the victim and the son of the first and the second petitioners took place on 14.06.2019 and there was a demand of dowry. Therefore, the victim committed suicide. He would further submit that even though the RDO enquiry was conducted, the same does not disclose any demand of dowry or harassment by the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the counsels and perused the materials placed on record including RDO report.

6. Taking into consideration the facts and submissions of the learned Counsel and also the fact that A1 has been arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District 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 Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 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].

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

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

-sd/-

03/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

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TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
KALASAPAKKAM,
THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

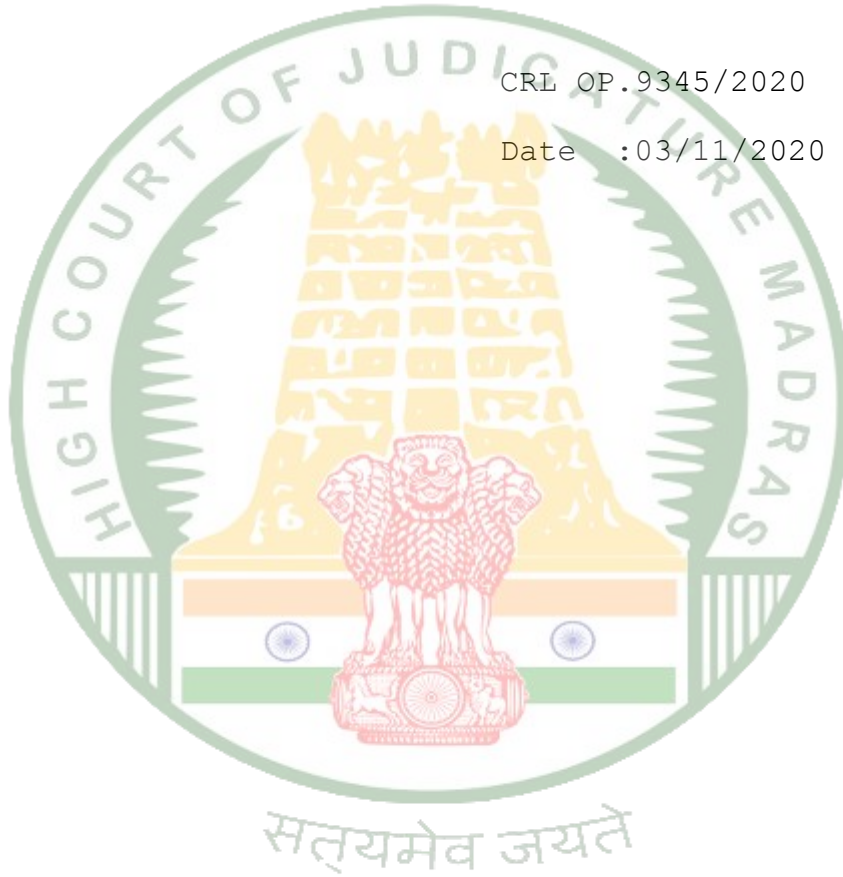
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.S.MANIKANDAN Advocate on payment of necessary
charges SR.No.7301

CRL OP.9345/2020

Date :03/11/2020

cs 06/11/2020



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