

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.10370 of 2020

1. Amutha
2. Indhirani
3. Naveen @ Ravi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Ambur Taluk Police Station,
Vellore District.
Crime No.258 of 2019.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.258 of 2019 pending on the file of the respondent police.

For Petitioners : Mr. M. Sathish Kumar

For Respondent : Mr. M. Mohammed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174(3) of Cr.P.C. @ 306 of IPC, in Crime No.258 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Chokkan is that his daughter Sangeetha married the first accused viz., Veerabathiran on 01.07.2018. Thereafter, he received an information that his daughter died on 20.05.2019, due to drowning. Originally the case was registered for the offence under Section 174(3) of Cr.P.C., and later it was altered to Section 306 of IPC.

3. The learned counsel for the petitioner would submit that the petitioners are an innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are respectively the mother, sister and neighbour of Al/Veerabathiran. Further he submitted that the defacto complainant's daughter was forcibly married to the Al/Veerabathiran and since, she did not like the married life, she was committed suicide by jumping in to the well and there is no demand of dowry. He further submitted that RDO enquiry has been conducted and the RDO report clearly proves that there is no demand of dowry. Further he would submit that Al/Veerabathiran who is the son of the first petitioner was arrested on 10.06.2020 and he was granted bail by the learned Sessions Judge, Vellore in E.B.No.2333 of 2020 on 16.07.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the daughter of the defacto complainant Sangeetha was married to the son of the first petitioner on 01.07.2018 and thereafter, the said Sangeetha committed suicide on 20.05.2019 by jumping in to the well. He would submit that originally the case was registered under Section 174(3) of Cr.P.C., and later it was altered to one under Section 306 of IPC. Further he would submit that RDO enquiry has been completed and the report opines that the victim committed suicide since she did not have a child and there is no demand of dowry.

5. Taking into consideration the submissions made by the learned counsel and the fact that the main accused have been released on bail and there is no specific overt act attributed against this petitioners with regard to demand of dowry, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Ambur, Vellore 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 Aadhar 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 one week 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 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].

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

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

-sd/-

22/07/2020

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,
AMBUR, VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.10370/2020

Date :22/07/2020

cs 28/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>