

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12393 of 2020

1.K.Sunthari
2.K.Lokesh Kumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
F1, Chintadripet Police Station,
Chennai 2.
(Crime No.641 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.641 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Mohanraj

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

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 offences punishable under Sections 174 (3) of Cr.P.C @ 304 (B) of IPC and Section 4(1)(B) of Tamil Nadu Women Harassment Act, in Crime No.641 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant is that the daughter of the de facto complainant and younger son of the 1st petitioner/A1 got married on 20.06.2019. At the time of marriage, the accused had demanded 120 sovereigns of gold and he was able to give only 40 sovereigns and after marriage, the 1st accused along with his daughter got settled at Hydrabad and that A1 used to harass her by demanding the balance 80 sovereigns of gold and later, due to harassment, A1 had driven his daughter out of the matrimonial house within two months of marriage. On 29.07.2020 unable to bear the harassment, the daughter of the de facto complainant committed suicide by hanging at her house. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are respectively the mother and elder brother of A1. He

would submit that even as per the FIR, the victim and the 1st accused were living at Hyderabad and the alleged demand is said to have been made by the 1st accused Niresh Kumar and that the deceased has left the matrimonial home within two months and she was with her father and he would also submit that an alleged suicide note is said to have been recovered by the respondent Police and even in the suicide note no specific allegations has been made against the petitioners. He would submit that the petitioners are prepared to co-operate with the respondent in his investigation and they are also prepared to appear before the RDO, for enquiry. He would submit that only due to misunderstanding, the victim has committed suicide and till date, there is no complaint as if the petitioners demanded for dowry.

4.The learned Additional Public Prosecutor submitted that the daughter of the de facto complainant got married the 1st accused Niresh Kumar on 20.06.2019 and after the marriage, they were living at Hydrabed. At the time of marriage, the de facto complainant had agreed to give 120 sovereigns and he was able to give only 40 sovereigns and the 1st accused Niresh Kumar has compelled the deceased to get the balance 80 sovereigns from her father and he had also driven her out from the matrimonial house, within two months of marriage. Thereafter when the victim was in her father's house she committed suicide. He would further submit that the suicide note has been recovered.

5.Heard both sides and perused the copy of the suicide note.

6.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;

7.Accordingly, the petitioners are directed to be released on bail in the event of arrest 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 Metropolitan Magistrate No.XIV, Egmore, Chennai, on condition that each petitioner 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 two weeks and thereafter every Monday 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 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/-

24/08/2020

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 METROPOLITAN MAGISTRATE,
NO.XIV, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
F-1, CHINTADRI PET POLICE STATION,
CHENNAI-2,

CC to M/S. C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.12393/2020

Date :24/08/2020

RD 07/09/2020