

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

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

Cr1.O.P.No.12639 of 2020

1.B.Uma Sankari
2.S.Saranya

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Cuddalore O.T.Police Station,
Cuddalore District.
(Crime No.64 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, in the event of their arrest by the respondent concerned in Crime No.64 of 2020 on the file of the respondent pending investigation.

For Petitioners : Mr.V.P.Chamuraj

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 304(B) of IPC, in Crime No.64 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.10.2015, the deceased Sangeetha got married with the first accused. During their marriage, the parents of the victim had given 35 sovereigns of gold and other household articles as sridhana. Within a period of one month of their marriage, the accused persons have demanded dowry and also harassed the victim Sangeetha. In furtherance to the harassment, they also aborted the child of the victim Sangeetha and driven her out from the matrimonial house. In continuation of the same harassment, on 12.02.2020, the victim Sangeetha along with her father have consumed poison and committed suicide. Hence, the present case is registered against the accused persons.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioners are respectively sisters-in-law of A1, having married to brothers of A1. The first petitioner is the wife of A4 and the second petitioner is the wife of A3. He would submit that the marriage between the A1 and the victim Sangeetha took place on 26.10.2015 and after their marriage, it was found that the deceased Sangeetha was suffering from Psycotric problem. During the pendency of the treatment, the victim did not co-operate for the treatment and day by day the condition and behaviour became controllable and the parents of the victim have taken her back to the house. Thereafter, A1, the brother in law of the petitioners filed H.M.O.P.No.206 of 2016 before the Sub Court, Cuddalore. Subsequently, the victim also filed Tr.C.M.P.No.490 of 2016 before this Court and the case was transferred to Family Court, Cuddalore in H.M.O.P.No.148 of 2018. In the meanwhile, the victim was also prefered another complaint under Domestic Violence Act and the husband/A1 of the victim has preferred a Crl.O.P.No.27687 of 2018, this Court had also granted stay, by an order dated 28.011.2018. Thereafter, there was no contact between the family of the petitioners and the family of the defacto complainant. He would submit that there is no other allegations against the petitioners, who are the daughters-in-law in that house. He would submit that the mother of A1/Indra granted anticipatory bail in Crl.O.P.No.3360 of 2020 and the husbands of the petitioners are granted bail in Crl.O.P.No.8686 of 2020 on 15.06.2020 and A1 has been granted bail in Crl.O.P.No.10282 of 2020 on 06.07.2020. The learned counsel reiterated that except the bald allegations, no other allegations has been found on the petitioners. He would submit that it is understood that a suicide note has been recorded from the victim and no reference has been made in respect of the petitioners.

4.The learned Additional Public Prosecutor would submit that the marriage between A1 and the victim, took place on 26.10.2015 and at the time of marriage, the parents of the victim had given 35 soverigns of gold and other household articles and also Rs.1,00,000/- as dowry. Within one month of marriage, the accused had driven out the victim demanding additional dowry and they are also aborted pregnancy. He woud submit that the suicide note has been recorded and though there is no specific allegations against the petitioners in the suicide note. He would further submit that the RDO enquiry has been concluded and there is allegations against the petitioners. He would submit that the arrested accused has already been enlarged on bail and mother and sister of A1 have also been granted anticipatory bail.

5.Taking into consideration the facts and circumstances of the case and submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement

of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Cuddalore, on condition that each of 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 two weeks and thereafter, as and when required for interrogation.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

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

-sd/-
31/08/2020

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 JUDICIAL MAGISTRATE COURT NO.II,
Cuddalore

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

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

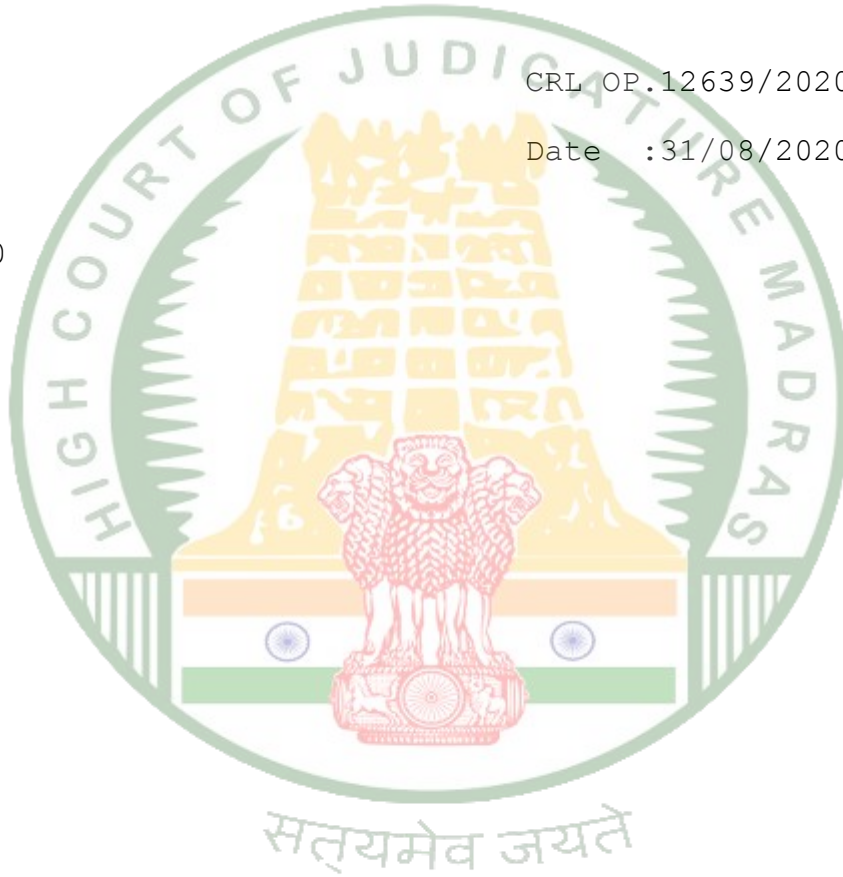
4 THE INSPECTOR OF POLICE,
CUDDALORE O.T.P.S
CUDDALORE DISTRICT.

CC to M/S.V.P.CHAMURAJ Advocate on payment of necessary
charges

CRL OP.12639/2020

Date :31/08/2020

TA-21/09/2020



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