

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13789 of 2020

1.Devaki @ Neela ... Petitioners
2.Siranjeevi
3.Sindhu @ Sinduja

vs.

The State rep. by ...Respondent
The Inspector of Police
Kandili Police Station
Vellore District.
Crime No.773 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.773 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.Kaanadasan

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 under Sections 294(b), 498(A), 306 of IPC, in Crime No.773 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Murugesh is that his daughter Kavitha was given in marriage to the first accused on 09.04.2014 and they have one male child. Whiles, the accused who are respectively husband, mother-in-law, brother-in-law and sister-in-law had abused the daughter of the de-facto complainant and demanded dowry from the deceased, due to which she had committed suicide by hanging. Initially, the case was registered under Section 174 of Cr.P.C and later on, altered to Sections 294(b), 498(A) and 306 of IPC.

3. The learned counsel for the petitioners would submit that during Covid-19 period, the victim got frustrated and committed

suicide by hanging since her husband was not having any job. Later, a complaint has been given as if the petitioners have demanded dowry. He would further submit that the husband of the victim has been arrested and enlarged on bail.

4. The learned Additional Public Prosecutor would submit that the petitioners who are in-laws along with A1, who is the husband of the victim harassed and demanded Rs.2,00,000/- as dowry from the victim, due to which, she had committed suicide by hanging. He would further submit that A1 has been arrested and enlarged on bail and the report of the Revenue District Officer is awaited.

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

a) Accordingly, the petitioners 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 of receipt of a copy of this order, the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 Judicial Magistrate No.II, Thiruppathur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

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

-sd/-
25/09/2020

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 NO.II,
THIRUPPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.13789/2020

Date :25/09/2020

TA-08/10/2020

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