

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No. 14354 of 2020

1. Bharathy, F/A 42 years
W/o. Desappan
2. Soniya Desappan, F/A 21 years,
W/o. Pradeep
3. Pathu, F/A 34 years, ... Petitioners

Vs.

The State Represented by the
The Inspector of Police,
Pothatturpet Police Station,
Thiruvallur.
(Crime No.1238 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in Crime No.1238 of 2020, on the file of the respondent police.

For Petitioners : Mr.R.Vivekananthan

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 offences punishable under Sections 174(3) Cr.P.C and altered under sections 147, 498(A), 306 of IPC, in Crime No.1238 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Arumugam is that his youngest daughter Shilpa aged about 17 years, fell in love with one Chinna, who belongs to Vanivilasapuram New Colony. Thereafter, a marriage was conducted with consent of both families during the year 2019. After one month, they were living together without any problem. Thereafter, the first accused/China and his relatives have harassed the daughter of the defacto complainant, due to which, she used to come to the house of the defacto complainant. While so, on 30.07.2020, when the victim had gone to work from the house of the defacto complainant, the first accused had stopped her and assaulted her, due to which, she came back to home and committed suicide by self-immolation. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the mother, sister and aunt of the first accused. He would submit that the marriage between A1 and the victim was a love marriage and that they were living separately. They used to be frequent quarrel between A1 and the victim and that she had left A1 and she living with her father/defacto complainant's house. While so, as per the First Information Report, on 30.07.2020, the first petitioner is stated to have assaulted her, when she was standing in the Bus stand to go to her work and she had returned to her father's house where she committed suicide by self-immolation. He would further submit that the names of the petitioners have been unnecessarily brought in the complaint as if the petitioners have harassed the victim and A1 against whom there are serious allegations, was arrested. He would further submit that the RDO Report also does not suggest any demand of dowry and the petitioners are unnecessarily implicated in this case. Hence, he would seek for grant of anticipatory bail to the petitioners.

WEB COPY

4. The learned Additional Public Prosecutor would submit that the defacto complainant's daughter/Shilpa married one Chinna/A1 during the year 2019 and it was a love marriage. Initially, they lived happily and thereafter, the

in-laws harassed her. Further, they used to be frequent quarrel between the deceased and her husband/A1 and she had left the matrimonial home and she was living happily with her father/defacto complainant herein. On 30.07.2020, when the victim was standing in the Bus stand to go to her work, A1 had assaulted her, due to which, the defacto complainant's daughter came back home and committed suicide by self-immolation. He would further submit that the investigation is pending and opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the District Munsif cum Judicial Magistrate, Pallipet, 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 conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation.

(e) the petitioner shall not abscond either during investigating or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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.

WEB COPY

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

29.09.2020

Internet : Yes/No
rpp

To

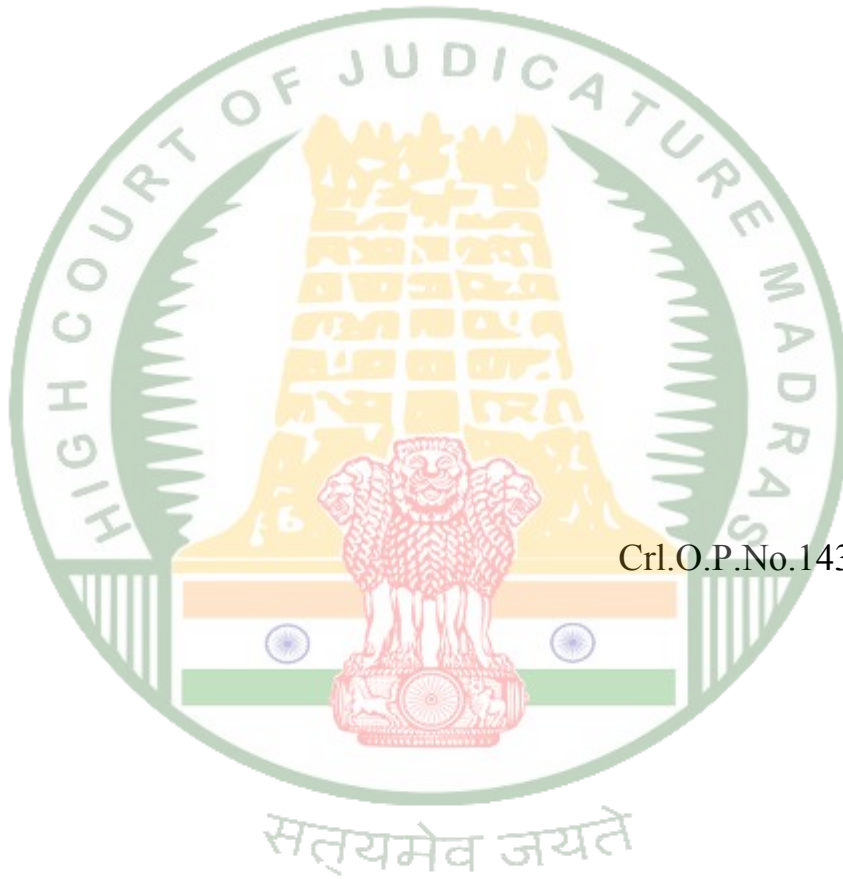
- 1.The District Munsif cum Judicial Magistrate, Pallipet,
- 2.The Inspector of Police,
Pothatturpet Police Station,
Thiruvallur.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY

A.D.JAGADISH CHANDIRA, J.

rpp/msrm



Crl.O.P.No.14354 of 2020

WEB COPY

29.09.2020

Crl.O.P.No.14354 of 2020

(The case has been heard through video conference)

A.D.JAGADISH CHANDIRA, J.

The matter is listed today under the caption “for being mentioned”.

2. The learned Counsel for the petitioner would submit that the petition was ordered on 29.09.2020 and since the second petitioner is in the advanced stage of pregnancy, this Court while granting anticipatory bail directed the second petitioner to appear before the respondent as and when required for interrogation. Whereas, in the order the said condition was not reflected and it is mentioned as “the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.” Hence, he prays for appropriate orders.

3. In view of the above submission, condition 5(c) in Crl.O.P.No.14354 of 2020 dated 29.09.2020 shall be read as follows;

A.D.JAGADISH CHANDIRA, J
ksa-2

(c) the 1st and 3rd petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. The 2nd petitioner shall report before the respondent police as and when quired for interrogation.

4. Registry is directed to make necessary corrections and issue a fresh order copy.

ksa-2

07.10.2020

सत्यमेव जयते

WEB COPY

Crl.O.P.No.14354 of 2020