

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

CrI.O.P.No.14553 of 2020

1.Muniyammal  
W/o.Rajamani

2.Muniyammal  
W/o.Ramakrishnan

3.Divagar ... Petitioners/A3,A4 &A6  
Vs.

The State Rep by  
Sub-Inspector of Police  
Melchengam Police Station  
Tiruvannamalai District.  
Crime No.2098 of 2020 ... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.2098 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.S.Panneer Selvam

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 alleged offences punishable under **Section 174(3)(iv) of Cr.P.C. and later altered to Sections 306 and 498A of Indian Penal Code, in Crime No.2098 of 2020**, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathiyaraj is that his sister Shonaba was married A1 namely Dasarathan S/o.Rajamani nine years back, due to demand of dowry, several complaints were also given to the respondent police. While so, the accused have demanded Rs.15 lakhs from the deceased for purchasing a house. When she had not informed the same to the defacto complainant, the accused have assaulted her and committed cruelty on her, due to which, on 10.07.2020, she committed suicide by hanging. It was also found that the deceased was pregnant at the time of committing suicide.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioners are the relatives of A1 and a false complaint has been given, as if, there was a demand of dowry. He would further submit that the marriage between A1 and the deceased took place nine years back and they have got three female children. He would also submit that during Corona period, there was some misunderstanding between the parties, due to which, she committed suicide by hanging. Though, the allegation is made, as if the petitioners committed cruelty, there is no injury on the victim and there is no demand of dowry at all. He would further submit that A1, A2 & A4 have enlarged on bail in CrI.O.P.No.14299, on 14.09.2020 by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the relatives of A1/ husband of the deceased who is the sister of the defacto complainant. The deceased married A1 nine years back and they have got three children and that the deceased was also pregnant. At that time, the petitioners and other accused have harassed and committed cruelty on the victim on the ground that this child also will be a female child and also by demanding Rs.15 lakhs for purchase of house due to which, she committed suicide by hanging. He would also submit that there is no suicide note against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels, this Court is inclined to grant 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, Chengam** 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 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.

[c] the petitioners 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 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.

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

-sd/-  
18/09/2020

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, CHENGAM

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,  
MELCHENGAM POLICE STATION, TIRUVANNAMALAI DISTRICT

+1 CC to M/S. S.PANNEER SELVAM Advocate on payment of  
necessary charges SR.NO.6333

CRL OP.14553/2020

Date :18/09/2020

GKS:25/09/2020