

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15362 of 2020

1. Malathi
2. Chandiraleka

... Petitioners

Vs.

The State rep.by,
The Sub-Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.
(Crime No.954 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.954 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Pugazhenthir

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) Cr.P.C., @ Section 306 IPC, in Crime No.954 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one viz., Rasu, is that his daughter, Priyanka got married to one Raguraman on 08.04.2015. At the time of marriage, jewels and house hold articles were given to the accused / petitioner, who is the mother of the said Raguraman. As his daughter was issueless, she was ill treated by her husband and the petitioner herein. Hence, the de-facto complainant's daughter came back to her parental home on 04.09.2020. After a Panchayat was conducted, his daughter went along with her husband to the matrimonial home on 07.09.2020. While so, he received information over phone that his daughter committed suicide. Hence, he requested the police to take action against the accused and his parents. Therefore, this complaint.

3. The learned counsel for the petitioners submitted that Mr.Raguraman, A1 in this case, is the brother-in-law of the petitioners. He would further submit that the marriage between the de-facto complainant's daughter and A1/Mr. Raguraman took place on 08.04.2015. While so, the victim left the matrimonial home and eloped with some one, and hence, the de-facto complainant had given a complaint to the Kurinchipadi Police Station and a case was registered in Crime No.418 of 2020 as "Women Missing". Then, she was located and traced at Coimbatore, where she was living with another person and she was brought back by her father. Thereafter, a Panchayat was conducted and the petitioner's family in order to save the family honour accepted her and she came back to the matrimonial home. While so, on 07.09.2020, she committed suicide by hanging. He would further submit that there was no demand of dowry or harassment to the victim girl. The victim had committed suicide only because of her own guilt. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 Mr.Raguraman is the brother of husbands of the petitioners and A1 has got married with the daughter of the de-facto complainant on 08.04.2015 and within 5 years of marriage, she committed suicide in her matrimonial home. He would further submit that the investigation is pending and the RDO enquiry is also pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels appearing on either side and perused the documents enclosed in the typed set of papers.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif-cum-Judicial Magistrate, Parangipettai, Cuddalore District, 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 everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/09/2020

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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, PARANGIPETTAI,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.G.PUGAZHENTHI Advocate on payment of necessary charges

CRL OP.15362/2020

Date :29/09/2020