

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15536 of 2020

1. Dhanabakiyam
2. Neela
3. Visalatchi
4. Ellappan

... Petitioners

Vs.

State by its
Inspector of Police,
Salavakkam Police Station,
Salavakkam, Kanchipuram District.
(Crime No.1128 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.1128 of 2020, on the file of the respondent police.

For Petitioners : Mr.K.G. Senthilkumar

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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A) and 306 of I.P.C. in Crime No.1128 of 2020 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Lakshmi, is that her daughter Narmada was married to the first accused in this case during the year 2004 and that she has three children. While so, the husband of the defacto complainant used to harass her daughter suspecting her fidelity and other accused, who are in-laws of deceased have also harassed her, due to which, the daughter of petitioner has committed suicide by self immolation. Hence, the present complaint.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the 1st accused Kumar was married to the daughter of the defacto complainant and the 1st accused became alcoholic and there was a dispute between the wife and the first accused. He would further submit that due to depression over the attitude, the wife of 1st accused has committed suicide by self immolation and there is no connection with A1 and their family and they have been falsely implicated in this case. He would also

submit that even the allegations in the F.I.R. would not make out a case of suicide. He would further submit that the victim girl has also given suicidal note stating that due to both mental and physical harassment given by her husband and on account of drinking habits of first accused, she has committed suicide Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would vehemently opposed stating that the defacto complainant is the mother of victim girl and her daughter was married to Kumar during the year 2004 and later, A1 along with petitioners suspected the fidelity of the victim and harassed her, due to which, she has committed suicide by self immolation. A1 has been arrested and enlarged on bail. However, he has vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances 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 on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Uthiramerur, Kanchipuram District, on condition that the petitioners shall execute a 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 everyday at 10.30 a.m. for the period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/10/2020

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, UTHIRAMERUR,
KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SALAVAKKAM POLICE STATION,
SALAVAKKAM, KANCHIPURAM DISTRICT.

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

सत्यमेव जयते

CRL OP.15536/2020

Date : 09/10/2020

RVR 15/10/2020

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