

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15939 of 2020

1. Sahadevan
2. Palaniammal

... Petitioners

Vs.

State Represented by
Inspector of Police,
K-10 Koyambedu Police Station,
Koyambedu, Chennai.
(Crime No.807 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest connected in Crime No.807 of 2019, on the file of the respondent.

For Petitioners : Ms. Subhalaxmi Samanta,
for M/s.Samanta and Ston,

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 I.P.C. in Crime No.807 of 2019 on the file of respondent and subsequently, the respondent police had altered the offence under Section 306 I.P.C., seek anticipatory bail.

2. The case of the prosecution is that A1 is the husband of the deceased. A2 is the father-in-law and A3 is the mother-in-law of the deceased. The marriage between Chandrasekar and the deceased was solemnised on 25.05.2012. Out of their wedlock, two children were born to them. While being so, A1 and A2 harassed the deceased to take care of the sick mother-in-law due to which, quarrel arose in the family. It is further alleged that A1 has instigated the deceased to commit suicide as such, she committed suicide. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that the petitioners are father and mother of A1 and A1 was earlier arrested and he has been released on bail by an order dated 04.11.2019 in CrI.O.P.No.26669 of 2020. He would submit that the petitioners are innocent and they have been falsely implicated in this case and they have not committed any offence whatsoever. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are A2 and A3, who are father-in-law and mother-in-law of deceased in this case. He would submit that due to harassment, wife of A1 has committed suicide by hanging at matrimonial home and the investigation also completed. 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 V Metropolitan Magistrate, Egmore, Chennai, 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 one week and thereafter, the first petitioner shall appear before the respondent police on every Monday at 10.30 a.m. and the second petitioner shall appear before the respondent police 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 5560];

(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/-

08/10/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
K10 KOYAMBEDU POLICE STATION,
KOYAMBEDU, CHENNAI.

+2 CC to M/S.SAMANTA AND STON Advocate on payment of necessary charges sr.6753

CRL OP.15939/2020

Date :08/10/2020

RVR 14/10/2020

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