

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16146 of 2020

1.Vasudevan
2.Baladhandayuthapani

.. Petitioners

Vs.

The State rep. by
The Sub Inspector of Police
Bhuvanagiri Police Station
Cuddalore District.
Cr.No.954 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.954 of 2020 on the file of the respondent police.

For Petitioners : Mr.G.Pugazhenth

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 under Section 174(3) of Cr.P.C altered to 306 IPC, in Crime No.954 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant 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 mother of the said Raguraman. As his daughter was issue-less, she was ill-treated by her husband and other accused. 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. Whiles, he received an information over phone that his daughter had committed suicide. Hence, he requested the police to take action against the accused and his parents. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are brothers of the husband of the deceased/A1. He would further submit that the marriage between the de-facto complainant's daughter and A1/Raguraman took place on 08.04.2015. Whiles, 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 petitioners' 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. He would further submit that the similarly placed co-accused have been enlarged on bail by this Court in Crl.O.P No.14662 of 2020 on 21.09.2020 and Crl.O.P No.15362 of 2020 dated 29.09.2020. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the de-facto complainant's daughter was married to A1/Raguraman on 08.04.2015 and within 5 years of marriage, she committed suicide in her matrimonial home. He would further submit that RDO enquiry is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also 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 of receipt of a copy of this order, 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, 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:

[b] 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.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

12/10/2020

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,
PARANGIPETTAI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT.

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

CRL OP.16146/2020

Date :12/10/2020