

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16300 of 2020

1.Damothiran
2.Marimuthu
3.Lakshmi
4.Mohanasundaram

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
Tiruppur North Police Station
Tiruppur District
Cr.No.117 of 2019

.. 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.117 of 2019 pending on the file of the respondent police.

For Petitioners : Mr.S.P.Meenakshi Sundharam

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 Cr.P.C altered to 306 of IPC, in Crime No.117 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Sampooranam is that her daughter Gowthami was given in marriage to the first accused Damothiran during the year 2011. At the time of the marriage, jewels and household articles were given. While so, on 03.02.2019, the first accused had given a message to the de-facto complainant that her daughter was admitted in the hospital and thereafter, she died on 10.02.2019. Having suspicion over the death, the de-facto complainant had given a complaint. During the investigation, it came to light that the petitioners have harassed

and committed cruelty on her and due to which, she had committed suicide by hanging and she went on coma and thereafter, she died at a later point of time.

3. The learned counsel for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case. The marriage between the petitioner and the victim took place during the year 2011 and that she was suffering from depression, due to which she attempted to commit suicide by hanging and the petitioners have taken her to the hospital, where she was in the stage of coma for 6 days and thereafter, she died on 10.02.2019. He would further submit that the entire medical expenses were borne by the petitioners' family. He would further submit that the petitioners did not abscond and they were also appearing before the respondent as and when they were called for the enquiry. He would further submit that the petitioners are ready to co-operate with the investigation. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that the marriage between the daughter of the de-facto complainant and the 1st petitioner took place during the year 2011 and thereafter, there was continuous harassment and that the petitioners have assaulted and harassed the victim, due to which she had committed suicide. Thereafter, she was admitted in the hospital and she breathed her last on 10.02.2019.

5. Heard the learned counsel appearing on both sides and perused the FIR.

6. 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 Judicial Magistrate No.I, Tiruppur, 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 1st petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for

[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.

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

-sd/-

10/11/2020

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,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges SR.No.7535

CRL OP.16300/2020

Date :10/11/2020