

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.16323 of 2020

1. Ponnusamy
2. Muthulakshmi

... Petitioners

Vs.

The State Represented by,
The Assistant Commissioner of Police,
Tiruppur South Range-Tiruppur City (I.O)
Tiruppur Rural Police Station,
Tiruppur.

(Cr.No.1037 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.1037 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.N.S.Sivakumar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 302 and 174 Cr.P.C., altered into Section 306 of IPC, in Crime No.1037 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Muniyandi, is that his daughter one Nithya was married to the son of the petitioner one P.Magudeswaran and that the son-in-law came to his house with complaints about his daughter/victim. While so, on 03.07.2020, he had received information from his son-in-law stating that his daughter/victim killed her one year child and also committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are father and mother of the first accused. A1 married the defacto complainant's daughter on 24.08.2018 and they were living separately. Due to matrimonial dispute, she had killed her child and committed suicide by hanging. Based on the complaint given by the father of the deceased, the case was registered for the offences under Sections 302 of IPC and Section 174 Cr.P.C., later it was altered into 306 of IPC. Admittedly, the petitioners are living separately from the family of A1 and there is no allegation as against the petitioners. He would further submit that the RDO enquiry also conducted and the enquiry reveals that there is no demand of dowry. A1 has been arrested on 03.08.2020 and later he has been released on bail by the learned Principal Sessions Judge, Tiruppur in CrI.M.P.No.1001 of 2020 dated 12.09.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the due to harassment made by her husband and the petitioners who are father-in-law and mother-in-law, the deceased killed her one year child and committed suicide by hanging and she has also left a suicide note. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and that the A1/husband of the victim has been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.IV, Tiruppur, on condition that each of 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

14/10/2020

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 JUDICIAL MAGISTRATE NO.IV,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT COMMISSIONER OF POLICE,
TIRUPPUR SOUTH RANGE - TIRUPPUR CITY (I.O)
TIRUPPUR RURAL POLICE STATION, TIRUPPUR.

+1CC to M/S. N.S.SIVA KUMAR Advocate on payment of necessary charges SR NO.6905

CRL OP.16323/2020

Date :14/10/2020

MK:21/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>