

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16910 of 2020

D.Kanniyammal

... Petitioner

Vs.

State through

The Inspector of Police,
T-6, Avadi Police Station
Thiruvallur District.
(Crime No. 1069 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.1069 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(This case has been heard through Video Conferencing)

The petitioner who was arrested and remanded to judicial custody on 29.08.2020 for the offences punishable under Section 174 (iii) Cr.P.C altered the Sections for alleged offence Under Sections 304 (B) and 306 of IPC in Crime No.1069 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the mother of A1. A1 married the deceased on 09.12.2018. After the marriage, A1 and the petitioner had tortured the deceased by demanding dowry due to which, the victim committed suicide by hanging on 29.08.2020. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is the mother of A1 and she is aged about 72 years and that she has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 29.08.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that A1 and the deceased got married 1 ½ years back from the occurrence. The petitioner along with her son/A1 insisted the deceased to bring money from her parents home and more particularly demanded to give 4 grams of gold ring for Diwali festival. However, the deceased had brought only 2 grams of gold ring instead of 4 grams. Therefore, A1 and the petitioner got vengeance and used to harass her by demanding more dowry. Due to which, the deceased committed suicide by hanging. He further submitted that initially the case was registered under section 174(3) Cr.P.C. and subsequently, based on the statement recorded from the defacto complainant, the offence was altered to Sections 304(b) and 306 IPC. He would further submit that RDO enquiry has been completed and the report is awaited. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the serious nature of the offence and the specific overt-act against the petitioner and the fact that the investigation is in the initial stage and the RDO report is yet to be received, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/10/2020

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
WOMEN PRISON AT PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

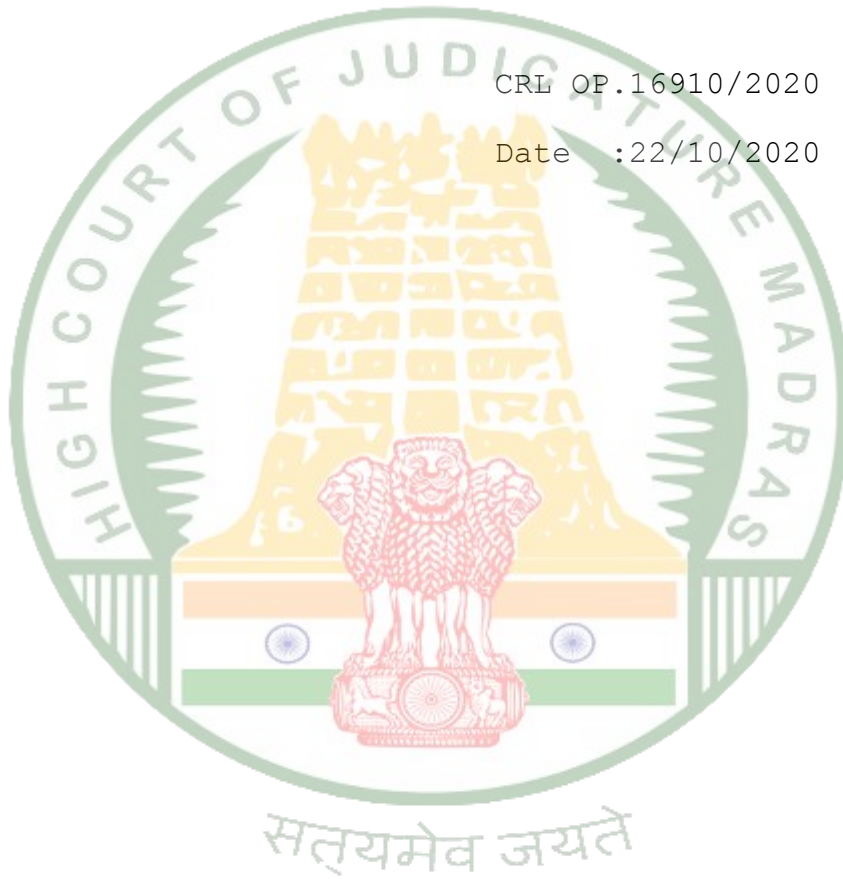
5 THE INSPECTOR OF POLICE,
T-6, AVADI POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S. R.GANESH KUMAR Advocate on payment of necessary
charges

CRL OP.16910/2020

Date :22/10/2020

cs 03/11/2020



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