

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No. 16921 of 2020

K.Devika

... Petitioner/Accused 2

Vs.

The State represented by,
The Inspector of Police,
Macheri Police Station, Mettur Taluk, Salem District.
[Crime No. 823 of 2020] ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 823 of 2020, on the file of the respondent police.

For Petitioner : Mr.B.Leninbalu

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C subsequently altered into one under Section 304(B) of IPC and 4 of Dowry Prohibition Act in Crime No.823 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that the deceased is the daughter in law of the petitioner. Whiles, on 14.09.2020, when the petitioner's son left the house for his regular work, the deceased committed suicide by hanging. Initially, a case was registered under Section 174 (3) Cr.P.C., altered into Section 304 (B) of IPC based on the RDO report. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the deceased parents denied to go to her grand father's house. Therefore, they stopped to speak with her, thereby, she had

committed suicide. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased left her suicide note and the suicide note itself stated that due to stomach pain, she has committed suicide. He would further submit that RDO enquiry was completed and the report has been filed. Based on the RDO report, the case was altered into Section 304 (B) of IPC and 4 of Dowry Prohibition Act. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mettur, Salem District, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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

-sd/-

01/12/2020

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, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MACHERI POLICE STATION,
METTUR TALUK, SALEM DISTRICT.

+1 CC to M/S. B.LENINBALU Advocate on payment of necessary charges SR.No 7854

सत्यमेव जयते

CRL OP.16921/2020

Date :01/12/2020

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