

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

C O R A M

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17346 of 2020

1.Rani
2.Devi

... Petitioners

Vs

State, rep.by
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
Crime No.2123 of 2020

... Respondent

Prayer: This petition has been filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of their arrest in connection with the Crime No.2123 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasi Kumar

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

ORDER

This case has been heard through video conference

The petitioners, who apprehend arrest for the alleged offences under Section 174(iii) of Cr.P.C., altered into under Section 306 of IPC, in Crime No.2123 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that Nagentri, her daughter, was given in marriage to one Elumalai during the year 2018 and they were blessed with a child aged six months. The allegation is that the sisters of the husband had harassed her daughter. While so, on 08.09.2020, Al/husband of the daughter had called the de facto complainant's son and informed that his sister was admitted in the hospital for having consumed poison and later, he informed that her daughter was sent for further treatment in Chennai, where she was declared brought dead.

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 A2 and A3 respectively and they are sisters of A1. He would further submit that A1 in this case has been arrested and has been enlarged on bail and there was no demand of dowry in this case.

4. The learned Additional Public Prosecutor would submit that the marriage between A1/brother of the petitioners and the deceased took place during the year 2008 and there is a six months old child and since the victim was subjected to harassment, she committed suicide. However, he would submit that there is no suicide note and the investigation is pending. He would further submit that A1 has been arrested and enlarged on bail.

5. Taking into consideration the facts and submissions of the learned Counsel for the petitioners, 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 their 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-II, Tiruvallur, on condition that each of the petitioner shall execute a 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:

[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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30A.M., until further orders.

[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/-

21/12/2020

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.8517

CRL OP.17346/2020

Date :21/12/2020

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MN-06/01/2021