

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17600 of 2020

Kanniammal

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
T-6 Avadi Police Station,
Chennai-600 056.
(Crime No.1069 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.1069 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.M.Balaji

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.08.2020 for the offences punishable under Sections 174(iii) of Cr.P.C., and subsequently, altered into one under Section 306 and 304 B 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 A1 married the deceased on 09.12.2018. The further allegation is that A1 and the petitioner, who is the mother of A1, had tortured the deceased by demanding dowry, due to which, the victim committed suicide by hanging on 29.08.2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would submit that the petitioner is the mother of A1 and that the marriage between the victim and A1 took place on 09.12.2018. Since the victim did not conceive, she was depressed and committed suicide and a false complaint has been given as if the petitioner

along with her son demanded dowry from the victim. He would submit that the petitioner was arrested on 29.08.2020 and she is in custody for more than 70 days and that A1 in this case has also been arrested.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner A1 and the deceased got married 1½ years back from the date of occurrence. He would submit that the petitioner along with her son demanded dowry from the victim, due to which, she committed suicide by hanging. He would further submit that the allegation against the petitioner is that she instigated A1 to demand more dowry from the victim and that RDO enquiry is pending in this case.

5. Heard the learned counsel on both sides. Perused the entire materials on record.

6. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Judicial Magistrate No-II, Poonamallee, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on her release from prison, shall report before the respondent police everyday at 10.30 a.m until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
WOMEN WARD, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
T-6 AVADI POLICE STATION,
CHENNAI - 600 056.

+1 CC to M/S. K.M.BALAJI Advocate on payment of necessary charges
SR.No.7465

CRL OP.17600/2020

Date :10/11/2020

cs 11/11/2020