

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17479 of 2020

1. Raji Chinnapaiyan
2. Rani Raji

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Arcot Town Police Station,
Vellore District.
(Cr.No.796 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.796 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.G.M.Sankar

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 Section 174 Cr.P.C., later it was altered as Sections 498 (A) and 306 of IPC, in Crime No.796 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that his daughter viz., Santhiya got married one Sathish on 29.08.2018 and subsequently she delivered a male child on 28.09.2019. Further allegation is that the petitioners, who are the in-law of the daughter of the defacto complainant, had demanded dowry and money from her and also abused her in filthy language and thereby she committed suicide by hanging. The defacto complainant given a complaint on suspicion that there was demand of dowry.

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 defacto complainant's daughter got married one sathish on 29.08.2018 and they were blessed with a male child on 28.09.2019 and thereafter, the victim committed suicide by hanging. He would further submit that the RDO enquiry was completed and the RDO report reveals that there

is no demand of dowry. The defacto complainant lost his daughter. Thereafter, on instigation, the petitioners are unnecessarily dragged in this case. He would further submit that the first petitioner is aged about 73 years and the second petitioner is aged about 63 years, they are ready to appear before the respondent for enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioners are the in-laws of the deceased and they have demanded dowry due to which she committed suicide by hanging. However, he would further submit that RDO report stated that there is no demand of dowry. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the FIR.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. 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 Munsif cum Judicial Magistrate, Tiruthani 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, 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 everyday at 10.30 a.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.

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

-sd/-

20/11/2020

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 MUNSIF CUM JUDICIAL
MAGISTRATE, TIRUTTANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
VELLORE DISTRICT.

CC to M/S. G.M. SANKAR Advocate on payment of necessary charges

CRL OP.17479/2020

सत्यमेव जयते Date: 20/11/2020

RVR 10/12/2020

WEB COPY