

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 18626 of 2020

Dhavammal

... Petitioner/Accused No.2

Vs.

State Rep. by

The Inspector of Police,

Mailam Police Station,

Villupuram District.

(Crime No.1296 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.1296 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Balakrishnan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence under Sections 174 (iii) of Cr.P.C. @ 306 of IPC, in Crime No.1296 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Vinayagam is that his daughter Thenmozhi was married to the petitioner's son namely Saranraj. After their marriage, the deceased and the said Saranraj were running the family peacefully only for three months. Thereafter, on 20.07.2020, the defacto complainant had received an information about his daughter's death. On enquiry, it was found that the petitioner along with her son has harassed his daughter demanding dowry for which, the victim has committed suicide by hanging.

3.The learned counsel for the petitioner would submit that the petitioner is the mother-in-law of the deceased and she had never demanded any money from the deceased at any point of time and that she has been falsely implicated in this case. He further submitted that the main accused has been granted bail in C.M.P.No.5606 of 2020 dated 17.08.2020. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioner's son namely Saranraj was married the defacto complainant's daughter. After their marriage, the deceased and the

said Saranraj were running a peaceful family for three months. Thereafter, on 20.07.2020, the defacto complainant had received an information about his daughter death and on enquiry, it came to light that the petitioner along with her son has harassed his daughter by demanding dowry due to which, the victim has committed suicide by hanging. However, no suicide note was left. He would further submit that thought the main accused has been granted bail by the lower Court in C.M.P.No.5606 of 2020 dated 17.08.2020, the investigation is still pending and the RDO enquiry is also pending and service awaited. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions of the learned Counsels and the fact that the main accused in this case has been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Tindivanam, on condition that each of the petitioner shall execute a separate 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 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

11/12/2020

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, TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MAILAM POLICE STATION,
VILLUPURAM DISTRICT

CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges Sr.8172

CRL OP.18626/2020

Date : 11/12/2020

RVR 18/12/2020

WEB COPY