

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18689 of 2020

1.G.Subramani
2.Eswari
3.B.Amudha

...Petitioners

Vs.

State by its
INSPECTOR OF POLICE
Sivakanchi Police Station
Kanchipuram, Kanchipuram District.
(Crime No.4227 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.4227 of 2020, pending investigation on the file of the respondent.

For Petitioners : Mr.K.G.Senthilkumar

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 306 of IPC in Crime No.4227 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband of the deceased viz. Janaki, they got married 16 years back and they have two female children aged about 15 years and 10 years. The petitioners herein are the father in law, mother in law and the sister in law of the deceased. The deceased Janaki, due to harassment by the petitioners herein along with A1, on 09.11.2020 had attempted to commit suicide by hanging, immediately, the victim was taken to the Kancheepuram Government Hospital and thereafter she was referred to Chengalpet Medical College for treatment. The deceased was declared dead on 15.11.2020.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that A1, who is the husband of the deceased was arrested and remanded to judicial custody

on 16.11.2020. The petitioners are only the father in law, mother in law and sister in law of the deceased. He would further submit that the minor children of the deceased are taken care of the petitioners herein.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are the father in law, mother in law and the sister in law of the deceased. The deceased due to the harassment of the petitioners, had attempted to commit suicide on 09.11.2020 and thereafter she was declared dead on 15.11.2020. He would further submit that the husband of the deceased/A1 has been arrested and remanded to judicial custody on 16.11.2020.

5.Taking into consideration of the facts and circumstances of the case and the submissions of the learned counsels and also considering the fact that the minor children of the deceased are taken care of the petitioners herein, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate-I, Kanchipuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 Judicial 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 as and when required for interrogation.

[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/-

30/11/2020

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.I, KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SIVAKANCHI POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT

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

CRL OP.18689/2020

Date : 30/11/2020

RVR 11/12/2020

WEB COPY