

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.20596 of 2020

1.Murugan

... Petitioners

2.Santhi

Vs.

State Rep by:

... Respondent

The Inspector of Police,  
B-3, Kanchi Taluk Police Station,  
Kanchipuram,  
Kanchipuram District.  
(Crime No.2555 of 2020)

**Prayer:** Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.2555 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.Saranraj

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

**ORDER**

**(The case has been heard through video conference)**

The petitioner/A1, who was arrested and remanded to judicial custody on 30.11.2020 and the petitioner/A2 who was arrested and remanded to judicial custody on 01.12.2020 for the offence punishable under Section 174(3) of Cr.P.C., @ Section 498(a) and 306 of IPC, in Crime No.2555 of 2020, seek bail.

2. The case of the prosecution as per the *de facto* complainant Sampath is that his daughter Mala was given in marriage to the first accused on 17.03.2019 and at that time of marriage, 7 sovereigns of gold jewels and other household articles were given. The further allegation is that the accused along with his relatives demanded further dowry for setting up a shop and that he had borrowed an amount of Rs.2,00,000/- and paid to his son-in-law and thereafter, he continued to harass his daughter, due to which, his daughter committed suicide by hanging. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are respectively the father and the mother of the first accused and they have been falsely implicated in this case. He would submit that the marriage between the son of the first petitioner and the victim took place on 17.03.2019. He would submit that even in the FIR, there is absolutely no demand of dowry and that there is no allegation against the first petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the marriage between the daughter of the *de facto* complainant and the first accused took place on 17.03.2019 and at the time of marriage, 7 sovereigns of gold jewels and other household articles were given to his daughter. He would submit that on an earlier occasion, the first accused demanded further dowry for setting up a shop and that the *de facto* complainant had borrowed an amount of Rs.2,00,000/- as loan and paid to his son-in-law and thereafter, he continued to harass his daughter, due to which, his daughter committed suicide by hanging.

5. At this juncture, the learned counsel for the petitioners would submit that the entire reading of the FIR does not make out any allegation against the first petitioner, who is the father-in-law of the deceased and that the allegation against the second petitioner-mother-in-law of the deceased is that she beaten the victim stating that she was not able to bear a child.

6. Taking into consideration the facts and circumstances of the case and the allegation made against the second petitioner, this Court is not inclined to grant bail to the second petitioner and accordingly, this Criminal Original Petition is dismissed for the present as against the second petitioner.

7. Considering the facts and the submissions of the learned Counsels, this Court is inclined to grant bail to the first petitioner subject to the following conditions:

(a) Accordingly, the first 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 learned Judicial Magistrate-I, Kanchipuram, 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 first petitioner, on his release from the prison, shall report before the respondent police everyday at 10.30 a.m. until further orders;

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

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

(f) the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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.

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

-sd/-  
22/12/2020

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.I,  
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
B-3, KANCHI TALUK POLICE STATION,  
KANCHIPURAM DISTRICT.

5 THE JAILER,  
DISTRICT JAIL, CHENGALPET.

+1 CC to M/S. A.SARANRAJ Advocate on payment of necessary  
charges SR.NO.8581

CRL OP.20596/2020

Date :22/12/2020