



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7784 of 2020

Santhi ... Petitioner/Accused No.2

Vs

The state rep by
The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No. 1247 of 2020)

... Respondent/Complainant

For Petitioner : M/s.R.Gandhi,
Advocate.
For Intervenor : Mr.T.Cibi Chakravarthy
Advocate
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

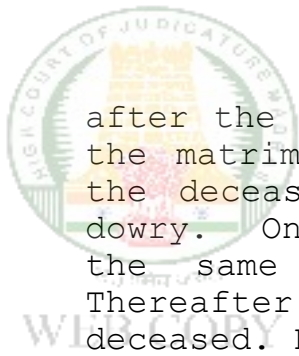
PRAYER :-

For Anticipatory Bail in Crime No.1247 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 174(3)
Cr.P.C @ Section 304(B) @ Sections 304(B),302 and 201 of IPC.

2. The deceased is the wife of A1. The petitioner herein is the
mother -in-law of the deceased and mother of A1. The case of the
prosecution is that the marriage between A1 and the deceased took
place on 30.0.2020 and after marriage both A1 and the deceased were
living at Periyakulam and there was frequent quarrel between them
The deceased has also gone to her parental home and



after the advice of the elders in the family she was taken back to the matrimonial house. Even thereafter there was quarrel between the deceased and A1 and A2 is also said to have demanded more dowry. On 04.07.2020 the deceased found in her house, immediately the same was informed to the defacto complainant's family. Thereafter the complaint has been given by the father of the deceased. Based on the complaint given by the father of the deceased a crime has been registered 174(3) Cr.P.C and later altered into section 304(B), subsequently into Sections 304(B), 302 and 201 of IPC. A1 in this case was arrested on 04.07.2020

3. The learned counsel for the petitioner would submit that the petitioner is the mother-in-law of the deceased and there is no material to implicate the petitioner herein. Even in the First Information Report there is no allegation of dowry demand or harassment and that apart the other materials available on record would show that after occurrence only the petitioner went into house and saw the body and informed the same to the neighbours. According to the petitioner at most she can be charged for offence under Section 201 of IPC, which is bailable in nature. Hence he prayed for anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that it is clear case of dowry demand and harassment. The occurrence has taken place within six months from the date of marriage. A1 in this case is said to have murdered the deceased and this petitioner has taken steps to screen the evidence and made others to believe that the deceased committed suicide.

5. The learned Additional Public Prosecutor would submit that the investigation is still pending and A1 in this case was arrested and remanded to judicial custody.

6. From the perusal of the materials available on record it is seen that there is no allegation of dowry demand and harassment and that apart the other materials available on record would show that after occurrence only the petitioner went into house and saw the body and informed the same to the neighbors. Further the only allegations levelled against the petitioner is that she tried to screen the evidence, for which she can be charged for offence under Section 201 of IPC, which is a bailable offence.

7. Taking into consideration the facts and circumstances of the case and the main accused namely A1 was arrested and in judicial custody, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the



petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

WEB COPY (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 as and when required for interrogation.

(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 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE
PERIYAKULAM.

2 DO THRO

THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION, THENI DISTRICT .

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.R.Gandhi , Advocate SR.No.14584

ORDER

IN

CRL OP(MD) No.7784 of 2020

Date :20/08/2020

KM:RSK-SAR2 (24.08.2020) 4P 6C