



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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10041 of 2020

P.SAKTHI

... PETITIONER/ACCUSED 2

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

CRIME NO. 6 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.K.Palmurugan,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

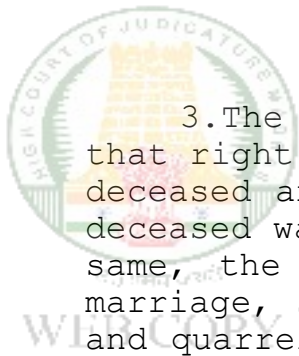
PRAYER :-

For Anticipatory Bail in Cr.No.6 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C., @ Sections 174(3) of Cr.P.C., 294(b), 323 and 306 of I.P.C., in Crime No.6 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The allegation is that the petitioner is the husband of the deceased. The petitioner is working in Army. The marriage between the deceased and the petitioner's took place on 11.09.2019. On the date of marriage, the petitioner's parents demanded dowry and also harassed the deceased, in which, the deceased left the matrimonial house and living along with her mother. In the meantime, on 05.01.2020, the petitioner came to his native place, at that time, there was a quarrel between them. On that frustration, the deceased said to have committed suicide by consuming poison on 06.01.2020 and died in a hospital on 07.01.2020. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that right from the marriage, the petitioner was not living with the deceased and subsequently he came to know that before marriage, the deceased was in love with one of her classmates. By suppressing the same, the deceased family arranged the marriage. Even after the marriage, she was not interested in family life with the petitioner and quarrelled with him and also left the matrimonial home, and she had committed suicide by consuming poison in her parental home. He would further submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner and his family members said to have demanded dowry and also harassed the deceased. Out of frustration, the deceased had committed suicide.

5.On perusal of the records, it is seen that the marriage was took place in the year 2019, thereafter, there was some quarrel between the parties, the deceased also left the matrimonial house and started living in her parental home. Before the occurrence, the petitioner said to have gone to the deceased house, at the time there was a quarrel between them, subsequently, she had committed suicide.

6.Considering the facts and circumstances of the case and also considering the fact that the due to some family dispute between the husband and wife, the deceased had consumed poison in her parental home and there is no serious allegation levelled against this petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

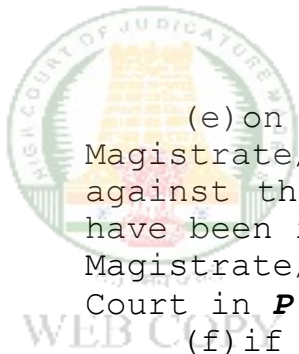
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nilakottai, Dindigul District, on condition that the petitioner shall 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:

(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



(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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/09/2020

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

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,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10041 of 2020

Date : 21/09/2020

SJI

JM/VR/SAR I/24.09.2020/3P/5C