



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12383 of 2020

1. Vellaiyammal
2. Vijaya
3. Suriya

... Petitioners/Accused No.2,3&4

Vs

The State Rep. by
The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.
(Cr.No.767/2020).

... Respondent/Complainant

For Petitioners : M/s.D.Rameshkumar, Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

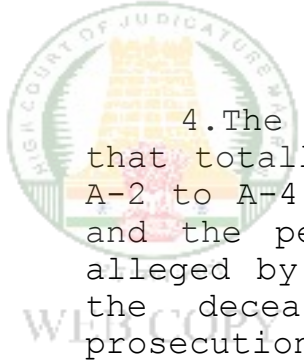
For Anticipatory Bail in Crime No.767 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-2, A-3 & A-4 apprehending arrest at the hands of the respondent police for the offences punishable under section 306 of IPC, in Crime No.767 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused got married the deceased in the year 2018 and the deceased is daughter of the defacto complainant. Due to their wedlock, they blessed with the male child. While being so, the first accused along with other accused persons demanded huge dowry from the deceased. When the ear boring function was held for their child, the accused persons said to have demanded huge money from the deceased and also scolded her not to come without dowry. Thereafter, the deceased was driven out from her matrimonial home and committed suicide by hanging herself. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.



4. The learned counsel appearing for the petitioners submitted that totally there are four accused and the petitioners herein are A-2 to A-4. The first accused/deceased husband was already arrested and the petitioners herein are nothing to do with the crime as alleged by the prosecution and they never demanded huge dowry from the deceased. He further submitted that, according to the prosecution, the deceased was driven out from her matrimonial home and after some time the deceased has committed suicide by hanging herself and therefore, there is absolutely no allegation that the petitioners instigated the deceased to commit suicide. Hence, he seek anticipatory bail.

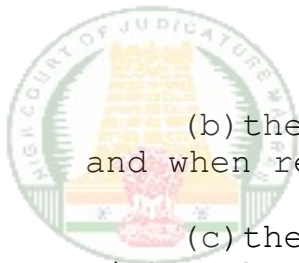
5. The learned Government Advocate (Crl. Side), on instructions, submitted that, A-1 is husband and the petitioners herein are in-laws of the deceased and A-1 was already arrested and remanded into judicial custody. He further submitted that due to demand of huge dowry the petitioners had driven out the deceased to her parent's house. Infact, during the ear boring ceremony, there was huge dowry demanded by the petitioners and the first accused scolded the deceased not to come without any dowry to the matrimonial home. Therefore, the deceased humiliated that the demand of huge dowry and she has committed suicide.

6. It is seen that totally there are four accused in which the petitioners are A-2 to A-4. The first accused got married the deceased and they blessed with a male child. Thereafter, they demanded huge dowry from the deceased and also driven out from her matrimonial home and after sometime, the deceased has committed suicide by hanging herself. The petitioners are in-laws of the deceased and the allegation against the petitioners is that they demanded huge dowry from the deceased, except demand of dowry, there is no other allegations against the petitioners herein. There is no evidence to show that before her death, the petitioners said to have instigated the deceased to commit suicide.

7. In view of the above and considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukkottai, on condition that the petitioners shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 appear 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]; and;

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

sd/-

04/11/2020

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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 No.I, PUDUKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUKOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.12383 of 2020
Date : 04/11/2020