



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

Date : 04/12/2020

PRESENT

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

CRL OP(MD). No.14049 of 2020

1.K.Rengaraj
2.K.Pandiammal
3.K.Subburaj

... Petitioners/Accused No.1 to 3

-Vs-

State Rep.by
The Inspector of Police,
Sivaksi Town Police Station,
Virudhunagar District.
Crime No.1114 of 2020.

... Respondent/Complainant

For Petitioners: Mr.M.Prabu, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Cr.No.1114 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 herein were arrested and remanded to judicial custody on 30.09.2020 for the alleged offences under Sections 304(b) and 498(A) of IPC, in Crime No.1114 of 2020, on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the deceased is the wife of the first petitioner. The first petitioner got married the deceased and at that time, the parents of the deceased have given a sufficient dowry. After the marriage, the petitioners have tortured and threatened the deceased by demanding additional dowry, due to which, the deceased said to have committed suicide by consuming pressure tablets and she was admitted in the hospital. Subsequently, she was died on 26.09.2020. Initially the respondent Police registered the case under Section 174(3) of Cr.P.C., subsequently, it was altered into under Sections 304(b) and 498(A) of IPC.



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 the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners have tortured and threatened the deceased by demanding additional dowry, due to which, the deceased said to have committed suicide by consuming pressure tablets. Subsequently, she was died on 26.09.2020. Initially the respondent Police registered the case under Section 174(3) of Cr.P.C., subsequently, it was altered into under Sections 304(b) and 498(A) of IPC.

6. Considering the facts circumstances and also considering the fact there was a matrimonial dispute between the first petitioner and the deceased and there is no demand of dowry, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the first petitioner shall report before the respondent Police daily at 10.30 a.m for a period two weeks and thereafter as and when required. Further, the petitioners 2 and 3 shall report before the respondent Police as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].



vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/12/2020

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WEB COPY

/ /2020
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, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE OFFICER INCHARGE, WOMEN JAIL, NILAKKOTTAI.
5. THE INSPECTOR OF POLICE,
SIVAKSI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14049 of 2020
Date : 04/12/2020

MS/PN/SAR-4/04.12.2020/3P.7C