



WEB COPY

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.14066 of 2020

Thamarai Selvi ... Petitioner/Accused Rank Not Known

Vs

State by
The Inspector of Police,
Vangal Police Station,
Karur.

Ref. Crime No.527 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Samuel Gunasingh,
Advocate.

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

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

PRAYER :-

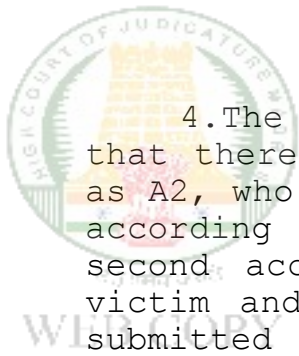
For Anticipatory Bail in Crime No.527 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offence punishable under section 174 Cr.P.C @ 306 IPC., in Crime No.527 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased got married with the first accused on 04.09.2019. Thereafter, due to continuous harassing of dowry, the victim committed suicide, by hanging herself in the matrimonial house. Hence, the complaint.

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



4.The learned counsel appearing for the petitioner submitted that there are totally two accused in which the petitioner arrayed as A2, who is none other than the mother of the first accused. Even according to the case of the prosecution, on instigation of the second accused, the first accused demanded huge dowry from the victim and as such, she committed suicide by hanging. He further submitted that on 01.11.2020 onwards her son namely the first accused had set up a separate house and the defacto complainant and her son were living separately in a rented house. The victim girl committed suicide in the rented house and as such, the petitioner has not instigated or abetment to victim to commit suicide. He further submitted that the first accused was arrested on 27.11.2020 and remanded to judicial custody on 27.11.2020.

5.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the petitioner is none other than the mother of the first accused and she also equally contributed in harassing to the deceased by demanding huge dowry. Therefore, the deceased committed suicide by hanging herself in the matrimonial house.

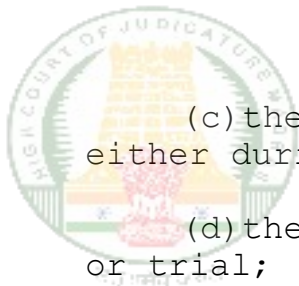
6.It is seen that there are totally two accused, in which, the petitioner is the mother of the first accused. Now, the first accused was arrested and remanded to judicial custody. According to the petitioner, the first accused had set up a separate house and were residing with his wife from 01.11.2020 onwards. Therefore, soon before her death, she was no instigation or abetment to commit suicide. Now the first accused was arrested and remanded to judicial custody on 27.11.2020.

7.Considering the facts and circumstances of the case, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioner shall 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 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 daily at 10.30 a.m. for a period of Two Weeks and thereafter as and



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

sd/-

04/12/2020

/ TRUE 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.II, KARUR.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14066 of 2020

Date :04/12/2020

vsd

AE/SMA/SAR-II (11.12.2020) 3P / 5C

<https://hcservices.ecourts.gov.in/hcservices/>