



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

Date : 18/12/2020

PRESENT

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

CRL OP(MD). No.15180 of 2020

Karpagam

... Petitioner/Accused Rank No.3

Vs

State Rep. by
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
Crime No.577 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Alagusundar,
Advocate.

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

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

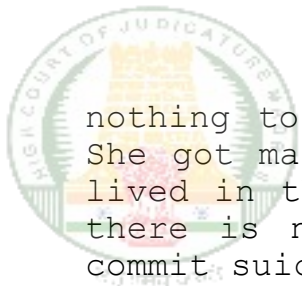
PRAYER :- For Bail in Crime No.577 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 01.12.2020 for the offences punishable under Section 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused got married with the deceased and out of their wedlock they were blessed with one male child. Due to dowry harassment the deceased was driven out from her matrimonial home, thereafter when the deceased tried for re-union all the accused did not allowed her to enter into the house and abused her with filthy language and harassed her by demanding more dowry. Thereafter she immediately went to her house and committed suicide by hanging herself.

3.The learned counsel for the petitioner would submit that there are three accused in this case and the petitioner herein is the sister of the first accused and she is the sister of the first accused and she has



nothing to do with the allegation as alleged by the prosecution. She got married and living separately and at no point of time she lived in the house of the first accused. He would also submit that there is no evidence for instigation or abetting the deceased to commit suicide, hence she may be granted bail.

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4. The learned Government Advocate(Crl.Side) would submit that first accused got married with the deceased and out of their wedlock they were blessed with one male child. Due to dowry harassment the deceased was driven out from her matrimonial home, thereafter when the deceased tried for re-union all the accused did not allowed her to enter into the house and abused her with filthy language and harassed her by demanding more dowry. Thereafter she immediately went to her house and committed suicide by hanging herself.

5. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A3. The first accused got married with the deceased and thereafter due to mis-understanding between them the deceased was driven out from her matrimonial home and went to the house of her parents. While being so, on 30.11.2020 she committed suicide for the reason that when she visited the house of the first accused she was ill- treated and she was not allowed to enter into the house for celebrating the birthday of her son. In so far as the petitioner is concerned she got married and living separately and not with the first accused. However there is no evidence to show that the petitioner instigated or abetted the deceased to commit suicide.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that sword has been recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate No.I, Pudukkottai

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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

iv) the petitioner 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 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].

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

sd/-
18/12/2020

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/ /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,
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PONNAMARAVATHI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15180 of 2020
Date :18/12/2020

AAV
JM/PN/SAR III/18.12.2020/3P/6C