

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.2679 of 2021

Santhi

... Petitioner

Vs.

State Rep by:

The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram,
Kanchipuram District.
(Crime No.2555 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2555 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.Saranraj

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner/A2 who was arrested and remanded to judicial custody on 01.12.2020 for the offence punishable under Section 174(3) of Cr.P.C., @ Section 498(A) and 306 of IPC, in Crime No.2555 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Sampath is that his daughter Mala was given in marriage to the first accused on 17.03.2019 and at the time of marriage, 7 sovereigns of gold jewels and other household articles were given. The further allegation is that the 1st accused/son-in-law along with his relatives demanded further dowry for setting up a shop and that he had borrowed an amount of Rs.2,00,000/- and paid to his son-in-law. However, the accused continued to harass the daughter of the defacto complainant,

due to which, his daughter committed suicide by hanging. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the mother-in-law of the deceased and she has been falsely implicated in this case. He would submit that the marriage between the son of the petitioner and the victim/deceased took place on 17.03.2019 and he would submit that the victim had committed suicide for reasons unknown whereas, out of frustration, the defacto complainant has given a complaint stating that the son of the petitioner had demanded dowry at the instigation of the petitioner. He would submit that there is absolutely no demand of dowry and that there is no allegation against the petitioner. He would further submit that the main accused in this case/the son of the petitioner has been arrested and thereafter, enlarged on bail by this Court vide CrI.O.P.No.20887 of 2020 by order dated 27.01.2021. He would submit that this is the second application for bail and the earlier application filed by the petitioner was dismissed by this Court vide CrI.O.P.No.20596 of 2020 by order dated 22.12.2020 and that the petitioner has been suffering incarceration for more than 75 days from 01.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose stating that the marriage between the daughter of the de facto complainant and the son of the petitioner took place on 17.03.2019 and at the time of marriage, 7 sovereigns of gold jewels and other household articles were given to the daughter of the defacto complainant. He would submit that on an earlier occasion, the son of the petitioner had demanded further dowry for setting up a shop and on the instigation of the son of the petitioner, the defacto complainant had borrowed an amount of Rs.2,00,000/- as loan from private parties and paid it to his son-in-law. Even thereafter, the son of the petitioner continued to harass the defacto complainant's daughter, due to which, the defacto complainant's daughter committed suicide by hanging. He would submit that the allegation against the petitioner is that she had instigated her son to demand dowry from the daughter of the defacto complainant.

5. At this juncture, the learned counsel for the petitioner would submit that there is no direct allegation against the petitioner as if, she demanded any dowry and the allegations are only against her son/A1 and that her son/A1 has been granted bail by this Court. He would further submit that the major part of investigation is also over.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that the main accused/A1 has been granted bail by this Court in CrI.O.P.No.20887 of 2020 by order dated 27.01.2021 and also

considering the period of incarceration suffered by the petitioner from 01.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate-I, Kanchipuram, and on further conditions that;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on her release from the prison, shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE JAILER
SUB JAIL, KANCHIPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHIPURAM DISTRICT.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges
SR.NO.1756

सत्यमेव जयते

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Date :17/02/2021

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