

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.811 of 2021

Kamalam

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Gudimangalam Police Station,
Tiruppur District.
Crime No.123 of 2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.123 of 2020 pending on the file of the respondent.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are two accused and the petitioner is arrayed as A2. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 174(3) of Cr.P.C. and it was subsequently altered into Section 306 of I.P.C. in Crime No.123 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the marriage between the son of the petitioner and the deceased took place during the year 2019 and they were living happily. However, on 27.03.2020, there was a small dispute between the husband and wife, and the deceased committed suicide by hanging. Hence, based on the complaint filed by mother of deceased, crime has been registered.

3. The learned counsel appearing for petitioner would submit that absolutely, from the date of marriage, the petitioner's son /A1 and the deceased were living happily and there is no allegation of dowry demand. He would submit that the deceased is having thyroid problem and thereafter, she has committed suicide by hanging. He would further submit that the co-accused/A1 has been granted anticipatory bail by this Court on 19.01.2020 in Crl.O.P No.19461 of 2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the deceased is issue-less, both the petitioner and his mother said to have abused the deceased and scolded that she is incapable of pregnancy. Hence, due to frustration, she has committed suicide. There is no allegation of dowry demand. The co-accused/A1 was released on bail. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that there is no allegation of dowry demand and the occurrence took place due to a dispute between the husband and wife, and the co-accused/A1 has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Udumalpet, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

22/01/2021

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.II, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR.

CC to M/S.D.R.ARUN KUMAR Advocate on payment of necessary charges Sr.833

CRL OP.811/2021

सत्यमेव जयते Date :22/01/2021

RVR 02/02/2021

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