

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1452 of 2021

Varalakshmi

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

(Crime No.22 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest, pending investigation in Crime No.22 of 2021 on the file of Inspector of Police, Arambakkam Police Station, Thiruvallur District.

For Petitioner : Mr.C.Arivazhagan

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 174(3) of Cr.P.C and altered to Section 306 of IPC in Crime No.22 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 3 accused in this case and petitioner is A3. The allegation is that the deceased is the wife of A1 and the petitioner/A3 is the co-sister of the deceased. The marriage took place in the year 20.07.2020, subsequently the petitioner along with other accused harassed the victim girl and demanded dowry. Due to which she committed suicide by hanging. Based on the complaint given by the father of the deceased crime was registered u/s 174(3) of Cr.P.C and altered to 306 of I.P.C and the petitioner was implicated as A3.

3. The learned counsel appearing for the petitioner would submit that the due to family dispute only the deceased has committed suicide. He would further submit that she has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused harassed the victim girl and also demanded dowry. Due to which the victim girl has committed suicide. He would further submit that the main accused A1 was arrested and remanded to judicial custody. Hence, he vehemently, opposed for grant of bail to the petitioner.

5. Heard both sides and perused the F.I.R.

6.Considering the facts and circumstances of the case and also of the fact that the petitioner is only co-sister of the deceased and the main accused/A1 has been arrested, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif-Cum-Judicial Magistrate, Gommidipoondi on condition that the petitioners 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed 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 as and when required for interrogation.

[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].

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

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

-sd/-
10/02/2021

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
GOMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT

+1CC to M/S.C.ARIVAZHAGAN Advocate on payment of necessary charges SR NO.1405

CRL OP.1452/2021

Date :10/02/2021

MK:17/02/2021

WEB COPY