

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2797 of 2021

Kasthuri

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
M- 3 Puzhal Police Station,
Puzhal.

(Crime No.748 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.748 of 2018 on the file of the respondent police.

For Petitioner : Mr.Kannan for Mr.M. Ramesh Babu

For Respondent : Mr.S.Thankira
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 174(3) of Cr.P.C subsequently altered to 498(A), 304(B) of IPC, in Crime No.748 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are three accused in this case and the petitioner is ranked as A3. The allegation is that the marriage took place between the deceased and A1 during 2016 and when they were living in the matrimonial home, the petitioner/A3 always pick up quarrel with her daughter-in-law, who is the deceased. Due to which the deceased committed suicide by hanging. Based on the complaint given by the mother of the defacto complainant, the case came to be registered.

3.Heard the learned counsel for the petitioner.

4.The learned Government Advocate would submit that the petitioner/mother-in-law of the deceased continuously abused the defacto complainant with filthy language. Due to which the deceased had committed suicide by hanging He would further submit that A1 in this case has already been arrested and released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the occurrence had taken place in family dispute between mother-in-law and daughter-in-law, there is no allegation of any dowry demand and A1 the co-accused in this case was already been arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. 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 learned Judicial Magistrate, Madhavaram, 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 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 his 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 229A IPC.

With the above directions this criminal original petition is ordered.

-sd/-
26/02/2021

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,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M3-PUZHAL POLICE STATION,
PUZHAL.

+1CC to M/S.M.RAMESH BABU Advocate on payment of necessary charges SR NO.2508

CRL OP.2797/2021

Date :26/02/2021

MK:05/03/2021

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