

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1877 of 2021

K. Rajeswari

... Petitioner

Vs.

State of Tamilnadu
Inspector of Police,
Pallipattu Police Station,
Pallipattu. Tiruvallur District.
(Crime No.1707 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.1707 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.V.Deenadhayalam

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 174(3) of Cr.P.C and altered to 306 of I.P.C in Crime No.1707 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are four accused in this case. The petitioner/A3 is the mother-in-law of the deceased and A1 is the husband of the deceased. A2 and A4 are brother-in-law and father-in-law of the deceased respectively. It is alleged that A1 in this case had married to the deceased in the year 2019. Subsequently there was misunderstanding between the couple for the reason that the deceased has not conceived for more than one year after marriage. Since she committed suicide by hanging on 14.12.2020. Based on the complaint given by the father of the deceased the case was registered.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that A1/husband of the deceased is the main accused in this case was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor opposed the Anticipatory bail application stating that the petitioner harassed the deceased for the reason that she has not conceived for more than one year after marriage. Due to which she has committed suicide.

5.Considering the facts and circumstances of the case and the main accused A1 had been arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Pallipattu 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.

-sd/-
15/02/2021

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,
PALLIPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLIPATTU POLICE STATION,
PALLIPATTU, THIRUVALLUR DIST.

+1CC to M/S.M.V.DEENADHAYALAN Advocate on payment of
necessary charges SR NO.1656

CRL OP.1877/2021

Date :15/02/2021

MK:23/02/2021