

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3503 of 2021

1. Arivazhagan
2. Anbazhagan

... Petitioners

Vs.

The 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 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.22 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. C.Arivazhagan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 306 of IPC in Crime No.22 of 2021, seek bail.

2. Totally, there are 3 accused and the petitioners are A1 and A2. The case of the prosecution is that the marriage between the first petitioner/A1 and the deceased took place on 20.07.2020. Thereafter, all the accused harassed the deceased by demanding dowry, due to which, on 16.01.2021 she committed suicide by hanging. Hence, a complaint came to be registered.

3. The counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that due to family dispute, the deceased committed suicide. Absolutely, there is no allegation of dowry harassment or abetment to commit suicide. He would further submit that co-accused in this case got anticipatory bail. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor, on instructions, would submit that since the petitioners harassed the deceased and abused her, she committed suicide. She would further submit that RDO enquiry reveals that there is no allegation of dowry demand against the petitioners. However, she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstance of the case, and the fact that co-accused in this bail was granted anticipatory bail and also the fact that there is no allegation of dowry demand as against the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gummidipoondi, 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 first petitioner shall report 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 second petitioner shall report before the respondent police as and when required for interrogation.

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

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

23/02/2021

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 MNSIF CUM
JUDICIAL MAGISTRATE, GUMMIPOONDI

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.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S. C.ARIVAZHAGAN Advocate on payment of necessary charges Sr.2098

CRL OP.3503/2021

Date : 23/02/2021

RVR 24/02/2021

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