

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3927 of 2021

1. P.V.Yuvaraj
2. Palaniammal
3. K.Keerthana

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Attayampatty Police Station,
Salem District.
(Crime No.230 of 2019)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event of their arrest in Cr.No.230 of 2019 pending investigation on the file of the respondent.

For Petitioners : Mr.B.Vasudevan

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1, A3 and A4. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174(3) of Cr.P.C. altered into Sec.306 of I.P.C. in Crime No.230 of 2019, and now, they have filed this petition seeking for anticipatory bail.

2. Totally, there are four accused. The 1st petitioner is the husband of deceased, the 2nd petitioner is mother-in-law and 3rd petitioner is sister-in-law. The case of the prosecution is that the marriage between the 1st petitioner and the defacto complainant took place in the year 2018. The 1st petitioner has harassed the deceased and on one fine day, he has driven her out to the parental house. Thereafter, she came back and lived there. Since the deceased unable to bear the harassment, she has committed suicide by hanging on 27.11.2020 and she was admitted in the hospital in serious condition. Subsequently, on 29.11.2020 she died. Based on the complaint given by the parents of deceased, the crime was altered to Sec.306 of I.P.C. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that the occurrence taken place due to a family dispute in a wordy quarrel, in fact, the deceased is suffering from serious disease. Earlier, she has got pregnant and subsequently, it was terminated because of serious disease, due to which, she was under the frustration and ultimately, she has committed suicide. Hence, the petitioners are not responsible for the death of deceased and the Revenue Divisional Officer's enquiry was also over, which was not revealing that there is a dowry harassment. That apart, the 2nd petitioner is mother-in-law and 3rd petitioner is sister-in-law. He would also submit that they are innocent persons and they are no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the 1st petitioner was a drunkard and he used to harass and beaten her regularly. Hence, on frustration, she has committed suicide. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the occurrence was taken place in a family quarrel between them and the Revenue Divisional Officer enquiry report reveals that there is no dowry demand, that apart, 2nd and 3rd petitioners are mother-in-law and sister-in-law and there is no allegation against the petitioners for abetment, and also considering the fact that there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

(a) Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate No.4, Salem, Salem Dt.**, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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]**.

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

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

-sd/-
01/03/2021

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.4, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ATTAYAMPATTY POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges SR.NO.2654

CRL OP.3927/2021

Date :01/03/2021

TA-05/03/2021