

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.5106 & 5436 of 2021

1 V.VALLI
2 PRABHU
3 PARTHIBAN
4 SAMUNDEESWARI

[PETITIONERS / ACCUSED IN
CRL.O.P.No.5106 OF 2021]

1 PONNAN

[PETITIONER / ACCUSED IN
CRL.O.P.No.5436 OF 2021]

Vs

THE STATE REP.BY ITS
INSPECTOR OF POLICE,
PERIYATHATHUR POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.1213/2021 respectively

[RESPONDENT IN BOTH PETITIONS]

For Petitioner : M/S. M.PRAKASH Advocate [IN CRL.OP.No.5106 OF 2021]
M/S. K.SURYA Advocate [IN CRL.OP.No.5436 OF 2021]

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor
[IN BOTH THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.No.5106 of 2021 apprehends arrest for the alleged offences under Section 174 (3) of Cr.P.C and altered to Section 306 of I.P.C, in Crime No.1213 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The petitioner in Crl.O.P.No.5436 of 2021 apprehends arrest for the alleged offences under Section 174 (3) of Cr.P.C and altered to Section 306 of I.P.C, in Crime No.1213 of 2021, on the file of the respondent Police, seek anticipatory bail.

3. Totally there are six accused in this case and the petitioner in CrI.O.P.No. 5106 of 2021 is A6 and the petitioners in CrI.O.P.No.4458 of 2021 are A2 to A5. The deceased is the wife of A1 and the petitioners herein are in-laws and family members of the deceased. The allegation is that the marriage took place in the year 2019. Thereafter, all the accused said to have harassed the deceased by demanding dowry. Due to which the deceased said to have committed suicide by consuming poison. Based on the complaint given by the father of the deceased the case came to be registered.

4.The learned counsel for the petitioners would submit that as there was some matrimonial dispute between A1 and the deceased, as since they were not having child. He would further submit that the second and third petitioners in CrI.O.P.No.5106 of 2021 are college going students they have also falsely implicated in this case. At the instigation of the father of the deceased only the petitioners have been implicated in this case. He would further submit that the main accused A1 was arrested and released on bail. Hence he prays for grant of anticipatory bail to the petitioners.

5.The learned additional public prosecutor would submit the petitioner and the other accused said to have abused the deceased for not having the child, due to which she committed suicide. He would further submit that the F.I.R lodged by the father of the deceased shows that the petitioners have harassed the deceased, but, the investigation and RDO enquiry report reveals that there is no dowry demand.

6. I have considered the rival submissions and perused the records.

7. On perusal of records including R.D.O report there is no allegation of dowry demand, and the allegation is that all the accused said to abused the deceased for not having child, due to which she has committed suicide.

8.Considering the facts and circumstances of the case and the occurrence had taken place due to matrimonial dispute and there is no allegation of any dowry demand, that apart these petitioners are only in-laws and relatives of A1 and the main husband A1 was arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

9. Accordingly, the petitioners are 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 Judicial Magistrate Court No.II, Tindivanam, on condition that the petitioners shall 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 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 petitioners 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 petitioners shall report before the respondent Police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions these criminal original petition are ordered.

-sd/-

19/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
PERIYATHATHUR POLICE STATION,
VILLUPURAM DISTRICT.

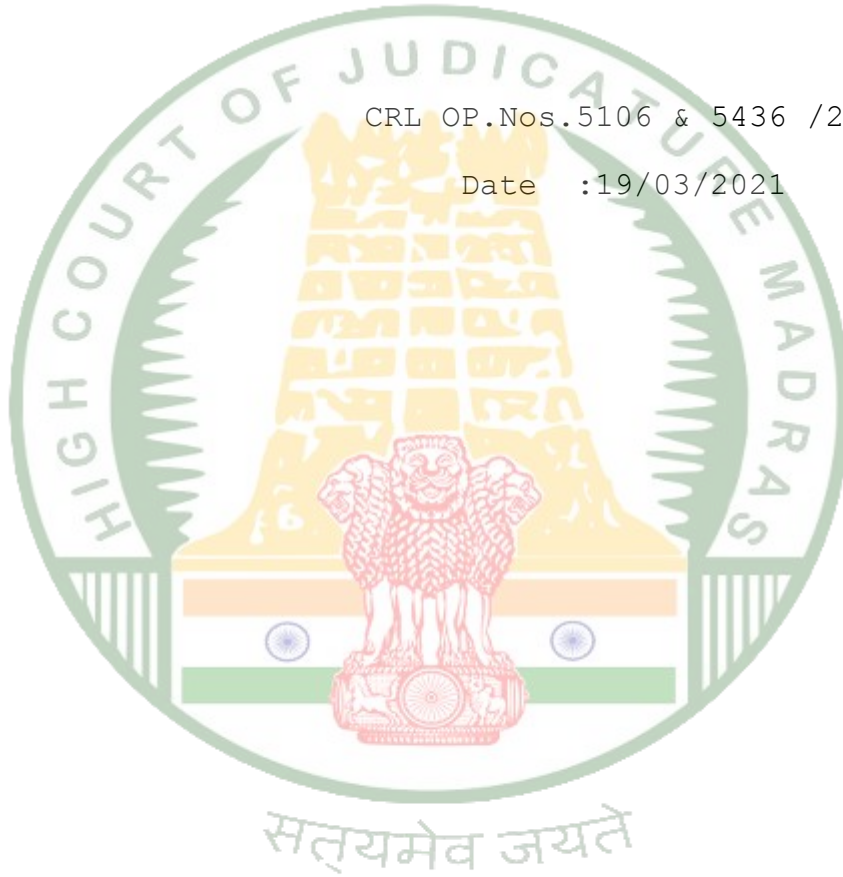
CC to M/S. M.PRAKASH Advocate on payment of necessary charges
SR.NO. 3736

CC to M/S. K.SURYA Advocate on payment of necessary charges
SR.NO. 3737

CRL OP.Nos.5106 & 5436 /2021

Date :19/03/2021

rvr 07/04/2021



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