

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5659 of 2021

1 M.VIJAYA
2 S.RAVI
3 R.ADHILAKSHMI
4 V.SELVARAJ
5 S.MALINI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
E3, SADRAS POLICE STATION,
SADRAS, KANCHEEPURAM.
(REF.CR.NO.337/2019)

[RESPONDENT]

For Petitioner : M/S.J.SENTHAMILARASU Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A2 to A6, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 174 (3) Cr.P.C and altered to Section 306 I.P.C., in Crime No.337 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the in-laws of the deceased Sathya. The marriage between the 1st accused and the deceased took place on 13.06.2019. After the marriage, some matrimonial dispute arose between them and that there was incompatibility between them. Further, there was dowry demand due to which, the deceased committed suicide by hanging herself in the matrimonial home on 14.11.2019. Therefore, the mother of the deceased gave a complaint before the Law Enforcing Agency and the case was initially registered under Section 174(3) Cr.P.C., and thereafter, the case was altered into Section 306 IPC. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He would further submit that the 1st accused in this case was arrested and later enlarged on bail and that the petitioners are the in-laws of the deceased. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent / complainant would submit that the 1st accused in this case was arrested and subsequently enlarged on bail. The petitioners are the in-laws of the deceased. The 1st accused and the deceased are husband and wife and that there was some matrimonial dispute between them and further, due to dowry demand, the deceased committed suicide by hanging herself in the matrimonial home. Hence, he would oppose for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and the fact that the 1st accused in this case was arrested and subsequently enlarged on bail and that the petitioners are the in-laws of the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Thirukazhukundram on condition that each of the petitioners 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 and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) since the 1st, 3rd & 5th petitioners /A2, A4 & A6 are ladies, they shall report before the respondent police as and when required by them for interrogation;

(c)the 2nd & 4th petitioners / A3 & A5 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(f) 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 anticipatory 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/04/2021

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 MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUKAZHUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
E3, SADRAS POLICE STATION,
SADRAS, KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.J.SENTHAMILARASU Advocate on payment of necessary charges Sr.4990

CRL OP.5659/2021

Date :17/04/2021

RVR 07/05/2021