

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7516 of 2021

1 DHINESHRAM
2 DEVI
3 RAJENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ATTAIYAMPATTI POLICE STATION,
SALEM, SALEM DISTRICT
(CRIME NO.27 OF 2021)

[RESPONDENT]

For Petitioner : M/S.P.SARAVANA SOWMIYAN Advocate

For Respondent : M/S.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, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 306 IPC, in Crime No.27 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's daughter viz, Sakunthaladevi was married to one Iyyanar, prior to four years. Due to misunderstanding, the de-facto complainant's daughter and her husband had obtained divorce and thereafter, she was living with her parents. Meanwhile, she had love affair with the first petitioner and married him. Thereafter, on 05.01.2021, the de-facto complainant's daughter came with one Govindaraj and later, committed suicide by hanging. Initially, the case was registered under Section 174 of Cr.P.C and subsequently altered to Section 306 of IPC.

3.The learned counsel appearing for the petitioners would submit that the deceased was already married and the first petitioner is aged only 18 years. He would further submit that the deceased tried to entice the first petitioner who was a minor and on two occasions, she took him away and she was advised not to involve in such activities. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there are totally three accused in this case and the petitioners are A1 to A3. The allegation is that the deceased committed suicide by hanging due to the harassment made by 2nd and 3rd petitioners. In this case, R.D.O enquiry was not conducted. He vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Salem, on condition that the petitioners shall execute a separate 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 condition 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) 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]; and;

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

-sd/-
29/04/2021

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 JUDICIAL MAGISTRATE NO.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.P.SARAVANA SOWMIYAN Advocate on payment of
necessary charges SR.NO.5606

CRL OP.7516/2021

Date : 29/04/2021

MK:31/05/2021

WEB COPY