



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA
CRIMINAL ORIGINAL PETITION No.8623 of 2021

1 RAJKUMAR
2 DHANAPALAN
3 THAILAMMAL
4 SATHISKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.
CRIME NO.32 OF 2021.

[RESPONDENT]

For Petitioner : M/S.T.N.RANGESH KANNA 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 who apprehend arrest at the hands of the respondent police for the offences punishable under Section 174 (iii) Cr.P.C. later altered to Section 306 IPC in Crime No.32 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 11.01.2021, wife of A1 committed suicide due to insult meted out by the petitioners. Based on the complaint given by the de-facto complaint, who is the father of the deceased, a complaint was registered under Section 174 (iii) Cr. P.C., initially and later based on the report of the Revenue Divisional Officer it was altered to Section 306 IPC. A2, A3 and A4 are in-laws of the deceased. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and there was a matrimonial dispute between A1 and the deceased. Further he submits that as per the report of the RDO, there was no dowry demand made by the petitioners. FIRs have also not been registered as against A2, A3 and A4 and hence, he prays that A2 to A4 may not be arrayed as parties. He would further submit that the de-facto complainant has given a false complaint stating that her daughter committed suicide, for demand of dowry made by the petitioners. He would further submit that A1 is prepared to appear before the respondent police and as per the directions of this Court and, hence, he prays for grant of anticipatory bail to A1.

4. The learned Government Advocate submits that FIR has been registered only against A1. A2 to A4 are in-laws of the deceased and the Revenue Divisional Officer conducted enquiry and submitted the report. Hence he vehemently opposed grant of anticipatory bail to A1 and in respect of remaining accused the same may be closed for the time being.

5. Taking note of the fact that there was a matrimonial dispute between A1 and the deceased and the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the 1st petitioner, subject to the following conditions :-

Accordingly, the 1st petitioner is directed 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, the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 Judicial Magistrate No.1, Sankari, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st petitioner 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 1st 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.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st petitioner 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner 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.

Recording the submissions made by the learned Government Advocate appearing for the respondent, the complaint as against A2 to A4 stands closed. However, based on further investigation, it is open to the respondent/police authorities to proceed against A-2 to A-4 in accordance with law.

-sd/-
05/05/2021

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.I,
SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.N.RANGESH KANNA Advocate on payment of necessary charges

CRL OP.8623/2021

Date :05/05/2021

MK:07/07/2021