

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9135 of 2021

1.Banumathi
2.Sivakamasundary
3.Palanisamy

.. Petitioners

Vs.

The State represented by
Inspector of Police
Anaikaranchathiram Police Station
Mayiladuthurai District
(Crime No.118 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of the arrest in Crime No.118 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 174(3) of Cr.P.C. @ 498(A) and 304(B) of IPC, in Crime No.118 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the father of the deceased. The petitioners along with A1 have harassed the daughter of the defacto complainant and demanded dowry due to which, she committed suicide. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the 1st petitioner is a senior citizen and the 2nd and 3rd petitioners are husband and wife and that they are living separately and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners/A2 to A4 are the in-laws of the deceased. A1 who is the husband of the deceased along with these petitioners have harassed the deceased and demanded dowry due to which, the deceased committed suicide. He would further submit that A1 has been arrested and he is still in custody. Hence, he vehemently opposed for grant of anticipatory bail.

5. Taking note of the facts and circumstances of the case and the submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

6. 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 learned Judicial Magistrate, Sirkazhi, 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, 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 3rd petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The petitioners 1 and 2 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.

-sd/-

13/05/2021

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,
SIRKAZHI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE
ANAIKARANCHATHIRAM POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M.VINOTH Advocate on payment of necessary charges Sr.6135

CRL OP.9135/2021

सत्यमेव जयते Date :13/05/2021

RVR 14/06/2021

WEB COPY