

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.9650 of 2021

1.Anantharaman

2.Ranganayagi @ Ponniyammal

... Petitioners

Vs.

State represented by
The Inspector of Police,
Madurantakam Police Station,
Kancheepuram District.
Crime No.128 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.128 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.Dhayalan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. side)

ORDER

The petitioners who were arrested on 08.04.2021 and remanded to judicial custody for the offences under Section 174 (iii) Cr.P.C., on 01.04.2021 and thereafter it was altered under Section 304 (B) IPC in Cr.No.128 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the 1st petitioner and the deceased-Revathy loved each other and married on 07.06.2020. The marriage was opposed by the defacto complainant, since both of them belongs to different community and in consequence to that the 2nd petitioner demanded dowry from the deceased. Due to the mental agony caused by the in laws and dowry harassment, the deceased committed suicide by hanging. Hence the complaint.

3.The learned counsel for the petitioners submit that the petitioners are innocent persons and they have been falsely implicated in this case and the petitioners have been in jail from 08.04.2021. He would further submit that there is no harassment of dowry. Prior to the death of the deceased, the defacto complainant has not registered any complaint against the petitioners for demand of dowry. Therefore, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl.Side) vehemently objects to release the petitioners on bail stating that the 1st petitioner is the husband of the deceased and the 2nd petitioner is the mother in law of the deceased. Since the marriage between the 1st petitioner and the deceased took place only eight months back and there was a demand of dowry by the petitioners herein, RDO enquiry has been ordered and it is pending.

5.Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioners shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the Central Prison, Puzhal in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Maduranthakam. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioners are not able to execute bond within the specified time, the petitioners shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Maduranthakam.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

(d) He/she shall not influence, threaten or coerce the witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the 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]; and;

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

-sd/-

27/05/2021

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,
MADURANTHAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MADURANTHAKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S A.DHAYALAN Advocate on payment of necessary charges

CRL OP.9650/2021

Date :27/05/2021

MK:31/05/2021