



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11019 of 2021

WEB COPY

Radhakrishnan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Gingee Police Station,
Villupuram District.
(Cr.No.442 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of her arrest in Crime No.442 of 2021 on the file of the respondent police.

For Petitioner : Mr.K. Madhan

For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 174(3) of Cr.P.C altered to 498(A), 304(B) of I.P.C in Crime No.442 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the brother of the petitioner married the deceased in the year 2019. Thereafter, the petitioner and his family members demanded dowry from the deceased. Due to which she committed suicide by burning herself by pouring kerosene on her. Based on the complainant given by the mother of the deceased, the case came to be registered.

3.The learned counsel appearing for the petitioner submits that there was some family dispute between the deceased and her husband, who is the brother of the brother of the petitioner, due to which she committed suicide. That apart this petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that due to the harassment made by the petitioner and his family members, the deceased committed suicide by burning herself by pouring kerosene on her. Hence , he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that only due to family dispute the occurrence said to have taken place and there is no allegation against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is 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 Court, Gingee on condition that the petitioner 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 condition that:

(a) the petitioner 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 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.

© the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 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 petitioner 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.

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-sd/-
28/06/2021

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 COURT,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.MADHAN Advocate on payment of necessary charges

CRL OP.11019/2021

Date :28/06/2021

MK:19/07/2021