



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12968 of 2021

WEB COPY

1. Rajeswari (F/A 68),
W/o.Kangeyan

2. G.Kumar (M/A 60),
S/o.Mr.Gopalasamy

3. K.Murugan (M/A 33),
S/o.Kumar

4. Divya Bharathi (F/A 25)
W/o,Murugan.

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
K2-Ayyanavaram Police Station,
Kilpauk,
Chennai District.
(Crime No.412 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.412 of 2021 pending investigation on the file of the respondent police.

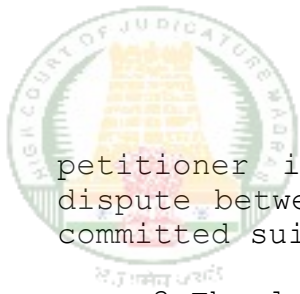
For Petitioners : Mr.Thanga Vadhana Balakrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 174(3) of Cr.P.C which was later altered to Section 306 of IPC, in Crime No.412 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the deceased is the wife of A1 and the second petitioner is the father-in-law and third petitioner is the brother-in-law of the deceased, the fourth



petitioner is the co-sister of the deceased, there was a family dispute between A1 and the deceased. On 20.07.2021, the deceased had committed suicide by hanging. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there was a family dispute between A1 and the deceased. On 20.07.2021, the deceased had committed suicide by hanging. He further submits that the 1st and 4th petitioners name does not found in the FIR. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that there was a family dispute between A1 and the deceased and the petitioners are in-laws and there is no previous case pending against the petitioners and the first and fourth petitioners are not an accused in this case. Therefore, this Criminal Original Petition is closed in favour of the first and fourth petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

6.Accordingly, the petitioners 2 and 3 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 of receipt of a copy of this order, before the learned V Metropolitan Magistrate, Egmore, Chennai, 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) if the petitioners 2 and 3 fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 2 and 3 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;

(c) the petitioners 2 and 3 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.



(d) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 and 3 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 petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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/-

28/07/2021

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
K2 - AYYANAVARAM POLICE STATION,
KILPAUK, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. THANGA VADHANA BALAKRISHN Advocate on payment of necessary charges S.R. NO. 7824

CRL OP.12968/2021

Date :28/07/2021

JPA 06/08/2021