

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.15443 of 2020

1. Karthick

(This Court by an order dated
21.12.2020 has dismissed the
petition in respect of 1st petitioner)

2. Vijayalakshmi

3. Rajendran

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Manavalanagar Police Station,
Tiruvallur District.
(Crime No.1787 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1787 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners are parents of A1. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174 (iii) of CrI.P.C. altered into section 306 of I.P.C. in Crime No.1787 of 2020 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the deceased is wife of A1. The marriage between them took place on 02.07.2020. At the time of marriage, the parents of deceased promised to give some jewels, but failed to give the same. Hence, all the petitioners have harassed the deceased, due to which, she has committed suicide by hanging at the matrimonial house on 28.08.2020. Therefore, the criminal case was originally registered under Sec.174(iii) of CrI.P.C. and thereafter, after investigation, it was altered into Section 306 of I.P.C. In the said circumstances, the petitioners have filed this petition seeking for anticipatory bail.

3. The learned counsel appearing for petitioner would submit that the main allegation is against A1, he was arrested and released on bail. He would also submit that the petitioners are only inlaws of the deceased and there is no serious allegation of dowry harassment against the petitioners. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the occurrence took place on 28.08.2020 and now, the A1 was arrested and released on bail. He would submit that the main allegation is that the A1 along with the petitioners have harassed the deceased, due to which, she has committed suicide. Hence, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the main allegation is only against A1, he was arrested and released on bail, the petitioners are only in-laws of deceased and there is no allegation of abetment against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. That apart, now it is stated that even though the occurrence took place in the month of August, 2020, so far, more than four months, the Revenue Divisional Officer has not conducted the mandatory enquiry. In the said circumstances, the Revenue Divisional Officer is directed to conduct the enquiry immediately and file a report.

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thiruvallur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required for interrogation ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/01/2021

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.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANAVALANAGAR POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
Sr.8518

CRL OP.15443/2020

Date :18/01/2021

RVR 22/01/2021