



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.14835 of 2021

1. Hariharan ... Petitioners
2. Kalaivani
3. Madhumani
4. Sakthivel
5. Thimmaraj

Vs.

State rep by, ... Respondent
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.250 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail pending investigation in Crime No.250 of 2021 pending on the file of the respondent.

For Petitioners : Mr. M Jayachandran

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 08.08.2021 for the offences under Section 174(3) of Cr.P.C @ 306 of I.P.C, in Crime No.250 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner is the husband of the deceased and the other petitioners are in-laws. Further, the petitioners had abused the deceased and demanded dowry, due to which, the deceased had committed suicide by jumped into the well and died. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and they have been falsely implicated in this case. He further submits that the petitioners have been jail from 08.08.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Cr1.Side) submitted that there is no previous case pending as against the petitioners. however, he vehemently opposed for grant of bail to the petitioners.



5. Considering the facts and circumstances of the case and also the fact that there is a serious allegation levelled against the first petitioner. Therefore, this Criminal Original Petition is dismissed as against the first petitioner and considering the period of incarceration suffered by the petitioners 2 to 5, this Court is inclined to grant bail to the petitioners 2 to 5 with certain conditions.

6. Accordingly, the petitioners 2 to 5 are ordered to be released on bail on their executing 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 Munsif cum Judicial Magistrate, Pochampalli, and on further condition that:

(a) 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 petitioners 2 to 5 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 5 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]; and;

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

-sd/-
19/08/2021

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 MUNISIF CUM JUDICIAL MAGISTRATE,
POOCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.14835/2021

Date :19/08/2021

INBA 23/08/2021