



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty First day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17384 of 2021

1 RAJESHWARI
2 DIVYA BHARATHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
K2 - AYYANAVARAM POLICE STATION,
KILPAUK,
CHENNAI DISTRICT.
CR.NO.412/2021.

[RESPONDENT]

For Petitioner : M/S. J.ASOKAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable 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 due to matrimonial dispute between A1 and the deceased, the deceased had committed suicide by hanging herself. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners' earlier anticipatory bail petition filed in Crl.OP.No.12968 of 2021 dated 28.07.2021 was dismissed by this court on the ground that the first and fourth petitioners therein are the first and second petitioners herein and they are not the named accused. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the first petitioner is the grand mother of A1 and the second petitioner is the sister-in-law of A1 and they have also joined with A1 and have committed cruelty to the deceased and due to which, she has lost her life by committing suicide. He further submits that the co-accused was enlarged on bail by this court in Crl.OP.No.15242 of 2021 dated 25.08.2021.

5.Considering the submissions made by both counsel and also the fact that there is no overt act against the petitioners and also considering the fact that the accused/A1 was enlarged on bail, this court is inclined to grant anticipatory bail to the petitioners.

6.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 V Metropolitan Magistrate, Egmore, Chennai on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

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

(d) the petitioners 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.

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-sd/-
21/09/2021

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 V METROPOLITAN MAGISTRATE,
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.

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

CRL OP.17384/2021

Date :21/09/2021

INBA 29/09/2021