

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.18387 of 2020

1.K.Veerasingam
2.Jaya
3.Vijay
4.Miss.Vimala,

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Kadampuliyur Police Station
Cuddalore District.
(Crime No.1222/2020)

... 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.1222 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.A.Arasu Ganeshan

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

O R D E R

(The case has been M/S.G.HEMA Special Public Prosecutor for E.D.Casesard through video conference)

The petitioners are arrayed as A2 to A4 and A5. They apprehends arrest at the hands of respondent police for the offence punishable under Sections 498(A), 406 and 306 of I.P.C. in Crime No.1222 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the marriage between A1 and deceased took place on 05.02.2020 and subsequently, all the accused persons have demanded dowry and harassed the deceased. Hence, she has committed suicide. In the said circumstances, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that as the deceased has a health problem, she has committed suicide. He would submit that the petitioners are only in-laws of the deceased. He would submit that Al husband was arrested and remanded to judicial custody. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that now the Revenue Divisional Officer has completed the enquiry and the enquiry report reveals that all these petitioners demanding dowry, have harassed the deceased. Hence, she has committed suicide. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the fact that the main allegation is only against Al, Al was arrested and the petitioners are mother-in-law, father-in-law and brother-in-law of the deceased, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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-II, Panruti 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 1st and 3rd petitioners shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks;

[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.

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

-sd/-
21/01/2021

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.INSPECTOR OF POLICE,
KANDAMPULIYUR POLICESTATION,
CUDDALORE DIST.
- 2.THE JUDICIAL MAGISTRATE NO.II
PANRUTI
- 3.THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE.[FOR INFORMATION]
- 4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.ARASU GANESHAN Advocate on payment of necessary charges

WEB COPY

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Date :21/01/2021

KSM01/02/2021