



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

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17081 of 2021

ARAVINDH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CHENNIMALAI POLICE STATION,
CHENNIMALAI POST,
ERODE DISTRICT
CRIME NO. 210/2021

[RESPONDENT]

For Petitioner : M/S.D.VEERASEKHARAN Advocate

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

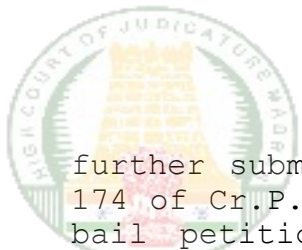
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 174(3) Cr.P.C and altered into under Section 306 of IPC in Crime No.210 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and the deceased/defacto complainant's daughter was solemnized in the year 2021. Thereafter, due to matrimonial dispute, the deceased committed suicide by hanging. Based on the complaint made by the father of the deceased/defacto complainant, the law enforcing agency registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submits that initially the case was registered under Section 174 of Cr.P.C and at that time, the petitioner has filed anticipatory bail petition before this Court in Crl.OP.No.12857 of 2021. This Court vide order dated 27.07.2021 closed the petition on the ground that the petitioner is not arrayed as accused in the FIR. After completing the enquiry, the law enforcing agency registered a case in Crime No.210 of 2021 for the offence under Section 306 IPC. The learned counsel further submits that the petitioner is an innocent person and RDO enquiry reveals that there is no dowry harassment by the petitioner and his family members. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that though RDO has conducted enquiry examining the family members of the accused and the defacto complainant, however, en masse examined the Panchayatars, for which, this Court has ordered for appearance of the Revenue Divisional Officer, Erode. In pursuance of the same, the concerned Revenue Divisional Officer has appeared before this Court and expressed his regret for examining the Panchayathars jointly and undertook to examine independently and record the statements of non-family members of the Crime.

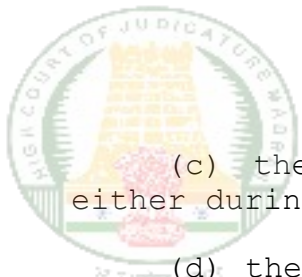
5 A perusal of RDO Report reveals that there is no dowry harassment and also perused the conversation between the deceased and her parents.

6. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that there is no serious allegations made against the petitioner, this court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Perundurai, Erode District on condition that the petitioner shall execute a 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) the petitioner 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 petitioner shall report before the respondent police daily at 7.00 p.m until further orders;



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

(d) the petitioner 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 petitioner 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/-

29/09/2021

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 JUDICIAL MAGISTRATE,
PERUNDURAI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHENNIMALAI POLICE STATION,
CHENNIMALAI POST, ERODE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REVENUE DIVISIONAL OFFICER,
ERODE.

+1 CC to M/S.D.VEERASEKHARAN Advocate on payment of necessary charges SR.NO.10769

CRL OP.17081/2021

Date :29/09/2021

RW 06/10/2021