

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19231 of 2020

1. Guna
2. Mahalakshmi

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Thimiri Police Station
Vellore District.
(Crime No.40 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.40 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.G.P.Sivakumar

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

O R D E R

(The case has been heard through video conference)

The petitioners were arrayed A2 and A3. They apprehend arrest at the hands of the respondent police for the offences under Sec.174(3) of Cr.P.C. @ 306 of I.P.C. in Crime No.40 of 2020 and now, they have filed the above petition to grant anticipatory bail.

2. The case of the prosecution is that the petitioners are mother-in-law and sister-in-law of deceased. The F.I.R. has been registered alleging that due to the harassment of petitioners and husband of the deceased, she has committed suicide.

3. Now it is stated by the learned Addl. Public Prosecutor that now, the Regional Divisional Officer has conducted enquiry and found there is no allegation of dowry harassment made against the petitioners. He would also submit that A1 was arrested and already released on bail.

4. Taking into consideration of the fact that there is no serious allegation of dowry harassment against the petitioners and A1 was arrested and released on bail, 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, Ranipet 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.

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

-sd/-
06/01/2021

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,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIMIRI POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR NO.151

CRL OP.19231/2020

Date: 06/01/2021

MK:19/01/2021

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