



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18881 of 2021

1 DURAISAMY
2 SHANTHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VAAZHAPADI POLICE STATION,
SALEM DISTRICT
(CRIME NO.186/2021)

[RESPONDENT]

For Petitioner : M/S KARAN AND UDAY Advocate

For Respondent : M/S. 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 under Section 174(3) of IPC altered to 498(A), 304(b) of IPC in Cr.No.186 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the defacto complainant's daughter/deceased. The marriage was performed between the accused/A-1 and the defacto complainant's daughter/deceased in the year 2019 and they were blessed with twin babies. Thereafter, due to some matrimonial dispute, the daughter of the defacto complainant/deceased was subjected to grievous mental stress and committed suicide. Thereby, the defacto complainant/mother of the deceased lodged a complaint against the petitioners. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners are only in-laws of the deceased and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory



bail to the petitioners.

4. The learned Government Advocate (Crl. side) submits that the petitioners herein are father-in-law and mother-in-law of the deceased. He further submits that the defacto complainant's daughter/deceased was continuously harassed by the petitioners and accused/A-1 as a result of which she committed suicide. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that the petitioners are only in-laws of the deceased, 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 District Munsif Cum Judicial Magistrate, Vaazhapadi, Salem District, on condition that the petitioners shall execute a bond 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 petitioner/A-2 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation and the petitioner/A-3 shall appear 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.

WEB COPY

-sd/-

07/10/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VAZHAPADI, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VAAZHAPADI POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S KARAN AND UDAY Advocate on payment of necessary charges SR.No.11295

CRL OP.18881/2021

Date :07/10/2021

APN 26/10/2021