

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20874 of 2020

S.Subasri

... Petitioner

Vs.

The State Rep. By
The Station House Officer,
Thiruppapuliur Police Station,
Cuddalore District.
(Crime No.1568 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of her arrest in Crime No.1568 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.K. Gandhi Kumar,

For Respondent : Mr.M. Prabavathy,
APP

ORDER

(The case has been heard through video conference)

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 498(A) and 304-B IPC, in Crime No.1568 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the deceased and A1 took place on 30.08.2020 and at the time of marriage, father of the deceased promised to give 50 sovereigns of gold jewels, however, he was not able to fulfill the promise. Hence, the petitioner and her family members harassed the deceased, due to which, she committed suicide on 03.11.2020. Hence, the respondent police registered a case against the petitioner and others.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is studying B.L in Vishakhapatnam, Andhra Pradesh. Hence, he prays to grant

anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would vehemently oppose to grant anticipatory bail to the petitioner on the ground that RDO report is yet to be filed.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels that the petitioner is sister of A1 and a student and no serious allegation is made against her, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 Judge, Additional Mahila Court, Cuddalore**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

04/01/2021

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 JUDGE, ADDITIONAL MAHILA COURT,
CUDDALORE.

2 THE STATION HOUSE OFFICER,
THIRUPPAPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.GANDHIKUMAR Advocate on payment of necessary charges SR NO. 21

CRL OP.20874/2020

Date :04/01/2021

सत्यमेव जयते

MN-08/01/2021

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