

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.20952 of 2020

1.G.Santha Kumar ... Petitioners/Accused 2 to 4
2.Kala (a) Kalavathi
3.Jothi Lakshmi

Vs.

The State Rep. by ... Respondent / Complainant
Assistant Commissioner of Police,
J-3, Guindy Police Station,
Chennai.
(Crime No.1015 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1015 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Rajan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 304B of IPC, in Crime No.1015 of 2020, seek anticipatory bail.

2. There are totally four accused and the petitioners are ranked as A1 to A4. A1 in this case is the husband of the deceased, the petitioners are in-laws. The marriage between the deceased and A1 took place in the year 2017 and subsequently, they blessed with a male child. The prosecution case is that A1 along with his parents and sister had demanded dowry and also harassed the deceased. Due to which, she committed suicide. Considering the nature of the crime, initially a case has been filed under Section 174(3) Cr.P.C, which was altered in Section 304(B) of IPC.

3. The learned counsel appearing for the petitioners would submit that the petitioners are in-laws, after the marriage A1 was living separately and they have not connected with them and they are

not involved in the offence. He would submit that the petitioners did not demand any dowry from the deceased and they have been falsely implicated in this case. He would further submit that A4 is an Engineering student. He would further submit that A1 has been arrested and enlarged on bail. Therefore, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the allegation is very serious in nature and all the accused had demanded dowry and harassed the deceased. Due to which, she committed suicide. He would submit that the investigation is also completed. He would further submit that A1 in this case was arrested and released on bail. Hence, he vehemently oppose to grant of anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and peruse the materials available on record.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 IX Metropolitan Magistrate, Saidapet, Chennai**, 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, 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 petitioners shall report 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.

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

-sd/-
20/01/2021

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 METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE ASSISTANT COMMISSIONER OF POLICE,
J-3, GUINDY POLICE STATION,
CHENNAI.

CC to M/S. R.RAJAN Advocate on payment of necessary charges

CRL OP.20952/2020

सत्यमेव जयते Date : 20/01/2021

TA-08/02/2021

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