



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21060 of 2021

1.D.Shankar ...Petitioners
2.D.Sathiyamoorthy
3.D.Ponni

Vs.

The State rep by its ...Respondent
The Inspector of Police,
B-3, Kanchi Taluk Police Station
Kancheepuram District.
(Crime No.1539 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.1539 of 2021 on the file of the respondent Police.

For petitioner : Mr.G.Punniakoti

For Respondent : Mr.N.S.Suganthan
Government Advocate

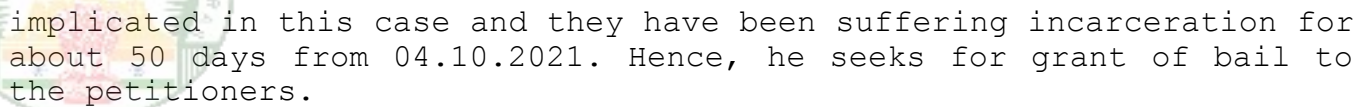
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 04.10.2021 for the offence under **Section 174 Cr.P.C. @ into Sections 306 and 498 (A) of IPC, in** Crime No.1539 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the 1st petitioner is the husband, the 2nd petitioner is the brother-in-law and the 3rd petitioner is the mother-in-law of the deceased. The petitioners used to ill-treat the deceased in an unbearable manner due to which, the deceased committed suicide by hanging. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the marriage between the 1st petitioner and the deceased is a love marriage and they have two children aged 6 and 5 years and that there was no complaint against the petitioners for the past 8 years. He would further submit that the petitioners have been falsely



5. Taking into account of the nature of allegation and the fact that the investigation has not been completed, this Court is not inclined to grant bail to the 1st and 2nd petitioners. **Accordingly, this petition is dismissed insofar as the 1st and 2nd petitioners are concerned.**

7. Accordingly, the **3rd petitioner** is ordered to be released on bail on her executing 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 **learned Judicial Magistrate-II, Kancheepuram**, and on further conditions that:

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
23/11/2021

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,
NO.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, VELLORE.

6 THE OFFICER INCHARGE
SUB JAIL, KANCHEEPURAM.

+1 CC to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges SR.NO.13267

CRL OP.21060/2021

Date :23/11/2021

TA-24/11/2021