



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

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

CrI.O.P.No.21204 of 2021

1.Alwin
2.Martha @ Marthal
3.Eunice
4.Prabhakaran
5.Lasar
6.Raja

... Petitioners

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
Kanakammachataram Police Station,
Tiruvallur District.
Cr.No.602 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.602 of 2021 on the file of the respondent.

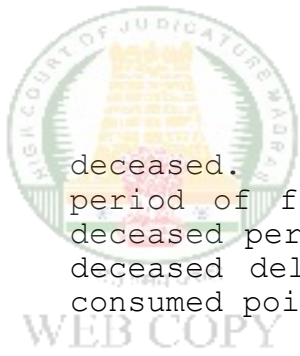
For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate
(CrI. Side)

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence under Sections 174(3) Cr.P.C @ 306, 498(A) of IPC, in Cr.No.602 of 2021 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are arrayed as A1 to A6. The 1st petitioner is the husband of the deceased and the 2nd and 5th petitioners are the mother-in-law and father-in-law of the deceased and the other accused are the in-laws of the deceased and further case of the prosecution is that the petitioners are alleged to have demanded dowry and tortured the



deceased. Hence, the deceased left the matrimonial home within a period of four months from the date of marriage. Thereafter, the deceased person resided separately at her parent house, while so, the deceased delivered a male child and after a lapse of 17 months she consumed poison and died on 02.10.2021.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the deceased had a chronic heart disease and the 1st petitioner regularly taken the deceased to the periodical health check up, while so, she delivered a male child at Chennai Egmore Hospital. Due to ill-health she consumed poison. Hence the petitioners may be granted anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the marriage between the 1st petitioner and the deceased was solemnized in the year 2020. The petitioners are alleged to have demanded dowry and tortured the deceased.

5. Considering the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioners/A1, A3, A4, A6. Accordingly, this petition is dismissed as against the petitioners/A1, A3, A4, A6.

6. Considering the fact that there is no serious allegation as against the petitioners/A2 and A5, this Court is inclined to grant anticipatory bail to the petitioners/A2 and A5, who are senior citizens.

7. Accordingly, the petitioners/A2 and A5 are 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 Judicial Magistrate, Tiruthani, on condition that the petitioners/A2 and A5 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/A2 and A5 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 petitioners/A2 and A5 shall report before the respondent police as and when required for interrogation;

(c) the petitioners/A2 and A5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners/A2 and A5 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 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]; and;

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

-sd/-

17/11/2021

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,
TIRUTHANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANAKAMMACHATRAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.PRINCE PREMKUMAR Advocate on payment of necessary charges SR.NO.13012

CRL OP.21204/2021

Date :17/11/2021

CSK 23/11/2021