



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22406 of 2021

1. Nithyanantham @ Periyannayagam ...Petitioners
2. Gomathi

Versus

State Inspector of Police ...Respondent
E-5, Cholavaram Police Station,
Thiruvallur District.
(Crime No.340 of 2021)

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.340 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Senthilvel

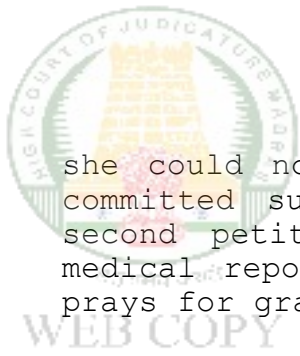
For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 174(3) of Cr.P.C. @ 498(A) and 304(B) IPC, in Crime No.340 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner had married the daughter of the defacto complainant. Further, the petitioners had harassed the daughter of the defacto complainant and demanded dowry, due to which, she had committed suicide by hanging. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the first petitioner is the husband of the deceased and the second petitioner is the mother-in-law of the deceased. He further submitted that the deceased had depression that



she could not able to give birth to child, due to which, she had committed suicide by hanging. He also further submitted that the second petitioner is taking treatment from 2009 onwards and the medical report has also been produced before this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the first petitioner had married the daughter of the defacto complainant. Further, the petitioners had harassed the daughter of the defacto complainant and demanded dowry, due to which, she had committed suicide by hanging. He further submitted that the investigation is at initial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is at initial stage, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed as against the first petitioner and considering the age of the second petitioner and she was taking treatment, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6.Accordingly, the second 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 Judicial Magistrate No.II, Pooneri**, on condition that the second petitioner shall execute 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 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) if the second petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the second petitioner 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;

(c) **the second petitioner shall report before the respondent police as and when required for interrogation.**

(d) the second petitioner shall not tamper with evidence or witness either during investigation or trial;



(e) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

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

-sd/-

26/11/2021

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, PONNERI, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, CHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. S.SENTHILVEL Advocate on payment of necessary charges SR.NO.13522

CRL OP.22406/2021

Date :26/11/2021

TA-01/12/2021