



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.539 of 2021

1. Balasubramanian
2. Praveen Kumar

... Petitioners/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
Vangal Police Station,
Karur.
Ref.Crime No.527 of 2020.

... Respondent/Complainant

For Petitioners: Mr.P.Samuel Gunasingh,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.527 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 174 of Code of Criminal Procedure, based on the complaint given by the defacto complainant and it has been altered into 306 IPC.

3.The case of the prosecution is that on instigation of the parents of the 2nd petitioner, the second petitioner demanded huge dowry from the victim girl, thereby she committed suicide by hanging.



4.The learned counsel for the petitioners would submit that no such occurrence as alleged by the prosecution has taken place and they are no way connected to the occurrence. The defacto complainant and the accused No.1 were living separately in a rented house at Vangal Kadai Veedhi, Karur, wherein, the occurrence took place. He would further submit that they are prepared to furnish substantial sureties due their appearance.

5.The learned Government Advocate(Criminal side) would submit that totally there are four accused in this case. The petitioners are A3 & A4. Initially, the case was registered under Section 174 of Cr.P.C and subsequently, the Section was altered into 306 IPC on 22.11.2020. RDO Report was received on 07.12.2020. Again, Section was altered into 304(B) and 306 IPC on 14.12.2020. He would further submit that due to huge demand of dowry, the deceased committed suicide by hanging herself in the matrimonial house.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

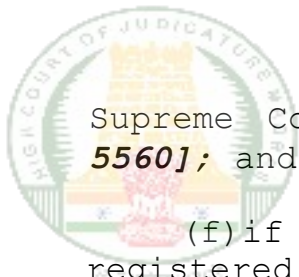
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

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

(d)the petitioners 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 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]**; and;

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

WEB COPY

sd/-
21/01/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KARUR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
3. THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.539 of 2021
Date :21/01/2021

VRN
SRS/SMA/SAR-II/29.01.2021/3P/5C