



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.809 of 2021

1. Indira
2. Soundarya

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.
Crime No.767/2020.

... Respondent/Complainant

For Petitioners : Mr.M.Sankar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For a Bail in Crime No.767 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 31.12.2020 for the offences punishable under Sections 174(3) of Cr.P.C @ 306 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the marriage between the third petitioner and the deceased was solemnized on 17.05.2019 and at the time of marriage 30 sovereigns of gold, house hold article worth Rs. 5lakhs and a motor cycle worth about Rs.1.5 lakhs was given as dowry and out of their wedlock they were blessed with a male child. Thereafter due to some family dispute there was a quarrel, in which all the accused persons said to have poured kerosene on the deceased and set her ablaze. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. He would also submit that the petitioners herein are mother-in-law and sister-in-law of the deceased. He would also submit that the deceased only on her own poured kerosene and the petitioners never committed any offence.



4. The learned Government Advocate(Crl.Side) would submit that petitioners have committed the offence of abetment of suicide of one Kavitha, daughter of the defacto complainant and he has also produced the dying declaration of the deceased.

5. From the dying declaration, it is seen that the petitioners herein are the mother-in-law and sister-in-law of the deceased and they have been constantly harassing the deceased and for no reason the deceased had taken the extreme Step. It is also stated that substantial portion of the investigation is over.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate, Manamadurai, Sivagangai District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/02/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI (SPECIAL PRISON FOR WOMEN)
4. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.809 of 2021
Date : 26/02/2021

AAV
MS/PN/SAR-4/26.02.2021/3P.6C