



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

Date : 09/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1381 of 2021

1. B.Fathima Beevi
2. B.Subendhar Sundar Mydeen
3. B.Sundar Sardharsha
4. B.John & H.Sulthan ... Petitioners/Accused No.2 to 5

Vs

State Rep. by
The Inspector of Police,
Central Police Station,
Thoothukudi District.
Crime No.647/2020. ... Respondent/Complainant

For Petitioners : M/s.A.Victoria, Advocate
for Mr.Pinaygash.I, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

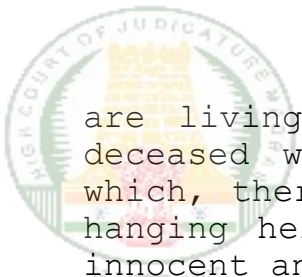
For Anticipatory Bail in Crime No.647 of 2020 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 306
of IPC, seek anticipatory bail.

2.The case of the prosecution is that on 24.12.2020, the first
accused wife, namely, Fathima Narzeen committed suicide due to the
instigation made by the petitioners and A-1. Hence, the complaint.

3.The learned counsel for the petitioners would submit that
totally there are five accused in this case and A-1 is the husband
of the deceased and A-2 to A5 are in-laws of the deceased and all



are living in a joint family. He would further submit that the deceased wanted to move out of the joint family system. Due to which, there was a fight between them, she has committed suicide by hanging herself. He would further submit that the petitioners are innocent and they have no way connected with the alleged offence.

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4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that totally there are five accused in this case and A-1 is the husband of the deceased and A-2 to A-5 are in-laws of deceased and all are living in a joint family. He would further submit that the petitioners and A-1 demanded additional dowry. Due to which, the deceased committed suicide by hanging herself. Hence, he opposed to grant anticipatory bail to the petitioners.

5.It is seen that the deceased and all the accused are living in a joint family and doing family business. The move of the deceased was opposed by the petitioners and A-1. Getting offended for the same, there was a fight between them, she committed suicide by hanging herself. On seeing the same, the husband/A-1 of the deceased had immediately taken her to the hospital, unfortunately, she was declared dead. As regards, the petitioners/accused A-2 to A-5 are concerned, they are in no way connected to the occurrence. In this regard, an enquiry has been conducted by the Revenue Divisional Officer and it was completed, where, it was found that there is no demand of dowry.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one suretie 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.

sd/-

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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,
THOOTHUKUDI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1381 of 2021

Date : 09/02/2021

SJI

JM/VR/SAR I/09.02.2021/3P/5C