



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12337 of 2021

1.Sundharambal
2.Raja @ Balasubramanian
3.Janai
4.Devi

... Petitioners/Accused Nos.2 to 5

Vs

The State rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District
(Crime No.683 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.DEENADHAYALAN,
Advocate.

For Respondent : Mr.T.SENTHIKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.683 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 302, 304-B IPC r/w Section 4 of Dowry Prohibition Act, in crime No.683 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the father of one Jothi. The marriage between Jothi and A1 was solemnized on 17.05.2021. After the marriage, A1 and these petitioners harassed the de-facto complainant by demanding additional dowry. On 14.08.2021, A1 and daughter of the de-facto complainant came to a temple festival and on that day, matrimonial ceremony of the de-facto complainant's daughter was happened at the family temple. The daughter of the de-facto complainant informed him that her husband was demanding a sum of RS.1,00,000/- and subsequently, A1 and daughter of the de-facto complainant went to worship another temple by two wheeler. Later, the de-facto



complainant was informed that his daughter was found dead on the road side and it was found that her daughter was sustained head injury. Hence, the complaint.

3.The learned counsel for the petitioners submits that A1 and his wife were living separately at Kondikulam Village. The petitioners 1, 2 and 4 were living separately at Pattukottai Town. The third petitioner is residing at Thiruvarur District and working as a Temporary Teacher in a Special School for Hearing Impaired Children at Vellankanni. On the date of occurrence, the petitioners were not present at the place. He further submits that it is mentioned in the First Information Report that after worshipping at the family temple, A1 and his wife went to the Sivan Temple by two wheeler. On that way, some quarrel arose between A1 and his wife, due to which, A1 assaulted his wife with wooden log and thereby, she died. He also submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent police submits that the petitioners are only in-laws of the deceased. He further submits that at the time of occurrence, A1 alone has taken his wife to the temple and after the occurrence, A1 has also consumed poison.

5.A perusal of the record shows that A1 was working as Electrical Engineer at Bahrin and he returned to India only on 03.04.2021 and thereafter, the marriage was solemnized between the deceased and A1 on 17.05.2021. On 14.08.2021, A1 has taken his wife to the temple and while on the way, there was a wordy quarrel between them, during which, A1 assaulted his wife and caused death. Thereafter, A1 also consumed poison.

6.Considering the facts and circumstances of the case, the status of the petitioners and the nature of allegations levelled against them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, on condition that the petitioners 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent as and when required for interrogation.



[c]the petitioners shall not tamper with the 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/09/2021

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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
PATTUKKOTTAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.Deenadhayalan, Advocate SR.No.6263

ORDER

IN

CRL OP(MD) No.12337 of 2021

Date :14/09/2021

SA/JC/SAR.2/23.09.2021/3P/6C