



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.15638 of 2020

and

Crl.O.P(MD) No. 1386 of 2021

1. Selvamani
2. Renugadevi
3. Sathiyapriya

... Petitioners/Accused
Rank not known
in Crl.O.P(MD)No.15638 of 2020

1. Umamageswari
2. Sigappi

... Petitioners/Accused No.5&6
in Crl.O.P(MD) No. 1386 of 2021

Vs

The State Rep. by
The Inspector of Police,
K.Pudhupatti Police Station,
Pudhukottai District.
(Crime No. 373/2020).

... Respondent/Complainant
in both petitions

(In Crl.O.P(MD) No.15638 of 2020)

For Petitioners : Mr.Muthu Sarvanan
for Mr.Vishnuvarthanan.P.M,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.SenthilKumar, Advocate

(In Crl.O.P(MD) No.1386 of 2021)

For Petitioners : Mr.M.Murugesan, Advocate
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.SenthilKumar, Advocate



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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.373/2020 on the file of the Respondent Police.

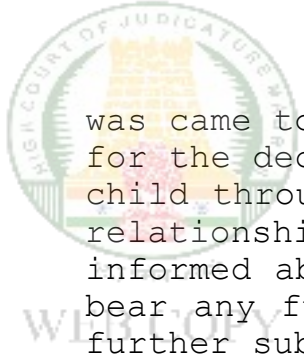
COMMON ORDER : The Court made the following order :-

The petitioners/Accused 2 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174(3) of Cr.P.C @ 306,304(B) of IPC seek anticipatory bail.

2. The case of the prosecution is that the marriage between the daughter of the defacto complainant and the son of the first and second petitioner was solemnized on 22.04.2019 and at the time of marriage 75 sovereigns of gold jewels, a two wheeler and the household articles worth about Rs.5,00,000/- was given as dowry and out their wedlock they were blessed with a female child. Thereafter it was found that the husband of the deceased was having some illegal intimacy with one Umamaheshwari and during mediation the husband of the deceased promised to dis-continue the relationship with the said lady. The husband of the defacto complainant never kept the promise and started continuing his relationship and there was a quarrel between the husband and wife, hence she left the matrimonial home and went to her parents home. Thereafter the husband of the deceased informed her over phone that he was blessed with a male child through Uma maheshwari and induced the deceased to commit suicide. Due to the said frustration the deceased committed suicide by consuming pesticide and she was taken to hospital where she was declared brought dead. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that there is allegation of dowry demand. He would also submit that only the deceased forced her husband to desert his family since he refused a false case has been foisted against the petitioners.

4. The learned counsel for the intervenor submits that the petitioners, A-1 and the deceased were living as a joint family. After the marriage, the deceased came to know about A-1's illegal relationship with another lady, one, Umamageswari/A-5. He further submitted that the deceased requested A-1 not to continue his relationship with A-5 and further informed the petitioners/A2 to A4 about the same and the parents of A-1 seems to have not taken any corrective measure. On the other hand, it appears that they were approving the relationship of A-1 with A-5. Due to which, there was quarrel between the husband of A-1 and the deceased and the deceased



was came to her parental home on 25.11.2020. Thereafter, A-1 called for the deceased and informed that he had been blessed with the male child through A-5 and it will not be possible for him to sever her relationship. The deceased contacted the petitioners herein and informed about the same and they had also supported A-1. Unable to bear any further, the deceased consumed poison and later died. He further submitted that in the hospital, when the deceased was taking treatment, her baby was crying at the guise of consoling the baby, the first petitioner had taken away the baby. He further submitted that he also filed a typed set and the copy has been served to the learned counsel for the petitioners, wherein, the list of articles, birth certificate of A-5's baby had produced.

5. The learned Government Advocate(Crl.Side) would submit that it is family dispute and the investigation is still pending. He would also submit that on humanitarian ground the petitioners have also deposited a sum of Rs. 2,00,000/- in favour of the daughter of the deceased. He would also submit that Aravindhan was granted bail by the learned Principal District and Sessions Judge on 22.02.2021.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the Aravindhan was granted bail by the learned Principal District and Sessions Judge on 22.02.2021 and also the fact that the petitioners have also deposited a sum of Rs. 2,00,000/- in favour of the daughter of the deceased, 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 fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thirumayam 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 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/-
22/03/2021

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/ /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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUMAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDHUPATTI POLICE STATION,
PUDHUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-2377[I] dated 22/03/2021)
+ 1 CC TO Mr.M.MURUGESAN, ADVOCATE IN SR No. 2403

ORDER IN
CRL OP(MD) No.15638 of 2020 &
Crl.O.P(MD) No. 1386 of 2021
Date :22/03/2021