



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.5775 of 2022

1.Ramachandran
2.Selvi

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
Paravakottai Police Station,
Thiruvarur District.
(Crime No.26 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.26 of 2020 on the file of the Inspector of police, Paravakottai Police Station, Thiruvarur District.

For Petitioners : Mr.Swamisubramanian

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners/A1 and A2, who were arrested on 08.02.2022 for the offences punishable under Section 306 of I.P.C. in Crime No.26 of 2020, on the file of the respondent police, seek bail.

2.The petitioners herein are son and mother. They were arrested on 08.02.2022 by the respondent police for the alleged offence under section 306 IPC in connection with the suicidal death of one Shanthi by self -immolation on 05.03.2020.

3.Learned counsel for the petitioners states that the marriage between the deceased Shanthi and the first petitioner took place on 08.03.2017. On 05.03.2020, Shanthi committed suicide for the reason not known. However, her father made a frivolous complaint alleging that the cause for death of Shanthi is the dowry demand made by the petitioners. RDO enquiry completed on 16.03.2020 itself and nothing incriminating to the knowledge of the petitioners came out from the RDO enquiry. However, suddenly the respondent police arrested the petitioners after two years of the occurrence without any material



against them. Learned counsel submits that the petitioners are always in the village and never tried to flee and in future, will cooperate with the investigation and abide by any condition.

4. Learned Additional Public Prosecutor appearing for the respondent when questioned about the reason for the belated arrest, she would state that the respondent police received RDO enquiry report only on 24.12.2021 and thereafter, the sections were altered. Further statement of witnesses were recorded and thus these petitioners were arrested being satisfied that they instigated and abetted the victim to commit suicide.

5. Considering the rival submissions and the content of the F.I.R., this Court is of the view that the petitioners may be granted bail. Accordingly, bail is granted to the petitioners and they are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Manargudi, Thiruvarur District.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders. The first petitioner shall not leave the State without prior permission of the Investigation Officer and he shall surrender his passport, if any to the concerned Magistrate.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

14/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, MANARGUDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM

6 THE OFFICER INCHARGE,
SUB JAIL FOR WOMEN, THIRUVARUR

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges sr.3847

CRL OP.5775/2022

Date :14/03/2022

RVR 15/03/2022