



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6300 of 2022

1 M.NIRMALA
2 P.YAMUNA

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
AVADI CITY POLICE,
THIRUVALLUR DISTRICT.
CRIME NO.63 OF 2022.

[RESPONDENT]

For Petitioners : M/S. M.D. ILAYARAJA Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174(3) Cr.P.C altered into Section 498-A and 304-B of IPC in Crime No.63 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the husband and wife demanding dowry, due to which, the wife has committed suicide. Hence, a case has been registered against the in-laws and the husband of the defacto complainant.

3. The learned counsel for the petitioners has submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the husband and the father-in-law were arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) has submitted that the petitioners are mother-in-law and sister-in-law of the defacto complainant and RDO enquiry was over. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that RDO enquiry was over, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Ponneri on condition that the petitioners shall execute separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the Investigation Officer as and when required for an interrogation ;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 are 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



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
28/03/2022

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
AVADI CITY POLICE,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.D. ILAYARAJA Advocate on payment of necessary charges SR.NO.4652

CRL OP.6300/2022

Date :28/03/2022

JPA 31/03/2022