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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9284 of 2022

1.Anbu

2.Siva

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
(Crime No.20 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioners/Accused on bail in Crime No.20 of 2022 on the file of the respondent police.

For Petitioners : Mr.Arun Anbumani

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested on 01.04.2022 for the alleged offences under Section 174(3) of the Code of Criminal Procedure, 1973, later altered to Section 306 of I.P.C. in Crime No.20 of 2022, on the file of the respondent police, seek bail.

2. The petitioners herein are the husband and the brother-in-law of the deceased Suganthi, who committed suicide on 16.01.2022 by hanging. Initially, the case was registered under Section 174(3) of the Code of Criminal Procedure, later altered to Section 306 of I.P.C suspecting that the deceased might have committed suicide due to dowry harassment, These petitioners were arrested on 01.04.2022.

3. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioners were arrested after the report of RDO, who had concluded after enquiry that the deceased might have committed suicide probably due to dowry harassment.



4. The learned counsel for the petitioner submits that the deceased though married the 1st petitioner in the year 2018 against the wish of her parents and later after the birth of her child, the family got reconciled. The petitioner had left the matrimonial house at frequent interval without any intimation and the defacto complainant, who is the mother of the deceased, used to bring her back and forced her to live with the first petitioner .

5. In order to preserve the matrimonial life, the first petitioner used to condone her conduct. However, on the date of incident, she had committed suicide on her own and there was no dowry harassment. From the statement of the witnesses recorded by the RDO, this court finds that the demand of additional jewels was made by the deceased to her mother and there is no material to infer that the said demand was emanated from these petitioners, this court is inclined to grant bail to the petitioners. Accordingly, the petitioners 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pennagaram.

(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 report before the Investigating Officer daily at 10.30 a.m until further orders.

(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.

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-sd/-

22/04/2022

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,
PENNAGARAM, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S ARUN ANBUMANI Advocate on payment of necessary charges SR.NO. 6009

CRL OP.9284/2022

Date :22/04/2022

RW 22/04/2022