



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.10706 of 2022

1 M.VIJAYA [PETITIONERS/ ACCUSED]
2 S.RAVI
3 R.ADHILAKSHMI
4 V.SELVARAJ
5 S.MALINI

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
E3, SADRAS POLICE STATION,
SADRAS, KANCHEEPURAM DISTRICT.
(CRIME.NO.337/2019)

For Petitioner : M/S R.PARTHIBAN Advocate

For Respondent : MR.C.E.PRATAP, 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 offences punishable under Section 174(3) of IPC altered to 306 of IPC in Crime No.337 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the in-laws and relatives of the deceased Sathya. The marriage between 1st accused and the deceased took place on 13.06.2019. After the marriage, some matrimonial dispute arose between them and that there was incompatibility between them. Further, there was dowry demand, due to which, the deceased committed suicide by hanging herself in the matrimonial home on 14.11.2019. Therefore, the mother of the deceased gave a complaint before the respondent police and the case was initially registered under Section 174(3) Cr.P.C., and thereafter, the case was altered to Section 306 IPC. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that already, this Court, by an order dated 17.04.2021 in Crl.O.P.No.5659 of 2021, granted anticipatory bail to the petitioners with certain conditions and since the petitioner was not able to execute the sureties within the stipulated period they filed extension of time petition and this Court by an order dated 07.04.2022 extended the till 20.04.2022. However, they received the order copy only on 18.04.2022 and hence, could not produce the sureties in time. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) also confirmed the above said submission. However, he would submit that this Court may impose the same condition as directed by this Court in the earlier order.

5. Considering the above said facts and circumstances of the case, 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 fifteen days from the date on which the order copy made ready, before the learned District Munsif Cum Judicial Magistrate, Thirukazhukundram, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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] Since the petitioners 1, 3 and 5 are ladies, they shall report before the respondent police as and when required for interrogation.

[c] the petitioners 2 and 4 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, they shall report before the respondent police on every Monday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for 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 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].

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

-sd/-

26/05/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
E3, SADRAS POLICE STATION,
SADRAS, KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S R.PARTHIBAN Advocate on payment of necessary
charges SR.No.7970

CRL OP.10706/2022

Date :26/05/2022

CSK 31/05/2022