



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13565 of 2022

1 ASHOK
2 MADURAI
3 PARVATHI
4 SANGEETHA
5 VIGNESH
6 KARNAKARAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY IT,
THE INSPECTOR OF POLICE,
VELLIMEDUPETTAI POLICE STATION,
VILLUPURAM DISTRICT
CRIME NO.83 OF 2022.

[RESPONDENT]

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor
(CRL.OP.NO.13565/2022)

: MR. V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)
(CRL.MP.NO.8595/2022)

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174(3) of Criminal Procedure Code, 1973 altered into **(*) 498(A), 304(B) & 306 of Indian Penal Code, 1860** in Crime No.83 of 2022, on the file of the respondent police, seek anticipatory bail.



2. Totally there are six accused in this case. The petitioner herein is arrayed as A1 and the petitioners 2 to 6 are in-laws of the deceased. The case of the prosecution, as per the defacto complainant viz., Subban is that her daughter got married to the first petitioner herein. On the date of occurrence, there was a wordy quarrel between the deceased and the first petitioner due to demand of dowry. While so, on 26.05.2022, the defacto complainant received an information that her daughter committed suicide by hanging at the matrimonial home. Therefore, the case was registered to 174 Cr.P.C. altered into 306 of IPC. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the deceased along with A1 went to her younger sister's function and after returning the function, the deceased suffers in depression and for this reasons, she committed suicide by hanging at the matrimonial home. He further submits that, there are no specific allegations against the petitioners 2 to 4 because they are the family members. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to demand of dowry, there was a wordy quarrel between the first and the deceased. He would further submit that the RDO report is still pending. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioners 2 to 6 are not required and for the first petitioner is concerned, due to instigation of this petitioner, the deceased committed suicide by hanging and hence the custodial interrogation of the first petitioner is very much required and hence, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6 alone with certain conditions.

6. Accordingly, as far as the first petitioner is concerned, this petition is dismissed and for the petitioners 2 to 6 are concerned they 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 Judicial Magistrate No.I at Tindivanam, 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 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 2 to 6 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 2 to 6 shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners 2 to 6 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 6 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].

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

-sd/-
13/06/2022

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.

[*]Amended as per order of this court dated 04.07.2022 made in CrI.MP.NO.8595/2022 in CrI.O.P.No. 13565/2022

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM.

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



3 THE INSPECTOR OF POLICE,
VELLIMEDUPETTAI POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO. 10545

CRL OP.13565/2022

Date :13/06/2022

RW-20/06/2022

RW-07/07/2022