

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15512 of 2022

1 SATHISH R [PETITIONERS / ACCUSED]
2 RAMAMOORTHY.C
3 SELVARANI.R
4 SHANTHI.V

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
RAJAMANGALAM POLICE STATION,
GREATER, CHENNAI.
CHENNAI CITY.
(CRIME NO.450/2022)

For Petitioner : M/S.R.L.DHILIPAN PANDIAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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 Cr.P.C. @ Sections 498A and 306 of IPC in Crime No.450 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 21.05.2022, the *de-facto* complainant received a phone call from his elder daughter that his younger daughter hung herself in his house. Therefore, he lodged a complaint before the respondent police and the same was registered in Crime No.450 of 2022 for the offences under Section 174(3) of Cr.P.C. It is alleged that the victim was married to the 1st petitioner, in the presence of all the other petitioners and the family members of the *de-facto* complainant. After marriage, both the 1st petitioner and the victim set-up their matrimonial home and continued their life. While being so, the petitioners are alleged to have abused the victim seeking additional dowry. As a result, the 1st

and 4th petitioner is said to have dropped the victim in her paternal home and their contact ended up there. Pursuant to the same, the 1st petitioner is said to have sent a notice seeking divorce and the same was duly replied by the victim through her counsel. At a later point of time, the victim is said to have received notice from the Court for attending divorce proceedings and finally, she decided to do away with her life and thereby hung herself. Hence, the complaint.

3. The learned counsel for the petitioners would submit that there are totally four accused in which the petitioners are arrayed as A1 to A4. The 1st petitioner is the husband of the deceased. The 2nd, 3rd and 4th petitioners are in-laws of the deceased.

4. The learned Additional Public Prosecutor produced the suicidal note written by the deceased.

5. It reveals that, there are specific allegations as against the A1 and he is the only reason for committing suicide. He had continuously humiliated the deceased and due to which, she committed suicide. As far as the other family members Viz., petitioners 2 to 4 are concerned, there are no allegation as against them and there is no evidence to show that they instigated the deceased to commit suicide. Therefore, custodial interrogation of the 1st petitioner is very much required in this case and this Court is not inclined to grant anticipatory bail to the 1st petitioner.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 alone with certain conditions.

7. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the petitioners 2 to 4 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 Metropolitan Magistrate Court No.XIII, Egmore on condition that the petitioners 2 to 4 shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 4 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 4 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and petitioners 2 to 4 were 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
05/07/2022

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 METROPOLITAN MAGISTRATE,
NO.XIII, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAJAMANGALAM POLICE STATION,
GREATER CHENNAI, CHENNAI.
CHENNAI CITY.

+1 CC to M/S.R.L.DHILIPAN PANDIAN Advocate on payment of
necessary charges SR.NO.10677

CRL OP.15512/2022

Date :05/07/2022

TA-05/07/2022