



WEB COPY



Crl.O.P.No.18655 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.18655 of 2022

1. Periyasamy
2. Ranjani

...Petitioners

Vs.

The State rep by
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
Crime No.386 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime
No.386 of 2022 on the file of the respondent police.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



WEB COPY



Crl.O.P.No.18655 of 2022

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.06.2022 for the offences under Sections **174(3) Cr.P.C altered into Section 302 IPC and subsequently altered into Section 304(B) read with 302 IPC** in crime No.386 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, there was a dispute between A1/husband and the deceased/wife. It is alleged that, A1 along with the petitioners, who are the parents of the A1 harassed the defacto complainant by demanding more dowry. On 04.06.2022, A1 had attacked the deceased with cricket bat, due to which, the deceased sustained severe blood injury in her ear and also caused fracture on her left leg and subsequently she died and lost her life. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. That apart, the petitioners are in-laws of the deceased. Hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.18655 of 2022

WEB COPY

4.The learned Additional Public Prosecutor submits that the petitioners had harassed the defacto complainant by demanding more dowry. He further submitted that A1 had attacked the defacto complainant with cricket bat, due to which, the deceased died. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners ie., from 08.06.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, No.II, Salem** and on further conditions that:

[a] 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.



Crl.O.P.No.18655 of 2022

WEB COPY

[b] the petitioners shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial.

[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 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.

05.08.2022

sma



Crl.O.P.No.18655 of 2022

To:

1. Judicial Magistrate, No.II,
Salem.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.18655 of 2022

G.K.ILANTHIRAIYAN, J.

sma

Crl.O.P.No.18655 of 2022

05.08.2022