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Crl.O.P.No.23888 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23888 of 2022

D.Shanthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-7, Velachery Police Station,
Adyar, Chennai.

(Crime No.375 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.375
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Balaji Venkateswaran
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 174(3) Cr.P.C @ 306 IPC, in Crime No.375 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the victim and the petitioner's son was solemnized on 07.02.2022. After the marriage, the victim was harassed by the petitioner, even when she was four months pregnant, due to which, the victim had committed suicide by hanging in her parental home. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application before this Court and in an earlier occasion, the bail petition was dismissed on 12.09.2022. He would further submit that the petitioner is an innocent person. He would also submit that the daughter-in-law of the petitioner committed suicide in her parental home, due to various other reasons, whereas, the parents of the deceased, being



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antagonised with the petitioner has lodged a false complaint stating that the petitioner has abetted the victim to commit suicide. He would further submit that the marriage of the victim girl was arranged by her parents against her wish and thereby, she had committed suicide by hanging. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is the mother-in-law of the deceased. He would further submit that the marriage between the victim and the petitioner's son was solemnized on 07.02.2022 and that the victim was four months pregnant and due to harassment made by the petitioner, the victim had committed suicide in her parental home by hanging. He would also submit that the investigation is at initial stage and they had also received a RDO report, wherein, it is stated that there was no demand of dowry, but there was a frequent quarrel in the family. Therefore, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the investigation is at initial stage and also considering the RDO report stating that there is no demand of dowry, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 XVIII Metropolitan Magistrate, Saidapet, Chennai 15** 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;

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period four weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

30.09.2022

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai 15.
2. The Inspector of Police,
J-7, Velachery Police Station,
Adyar, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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