



Crl.O.P.No.23718 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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

Crl.O.P.No.23718 of 2022

1.Natarajan

2.Jothi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Udayarpalayam Police Station,
Udayarpalayam,
Ariyalur District.
(Crime No.189 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.189 of 2022, on the file of the respondent Police.

For Petitioners : Mr.P.Swaminathan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

For Intervenor : Mr.C.Ganesh Pandian



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2022, for the offences punishable under Section 174(3) of Cr.P.C @ 306 of IPC in Crime No.189 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Sachithanantham is that his daughter, Vaishnavi was an M.A. graduate and that she was married to his brother in law's son, one Dinesh, who was working at Cherrinet company as a Technical Engineer. After the marriage, his daughter/deceased came to know that her husband Dinesh was having affairs with several other women in Chennai and despite being reprimanded by her, he has continued with the relationship. Further allegations is that his daughter had informed the same to the petitioners herein, who are the parents of the said Dinesh and they have not taken any steps to mend their son and whereas, they have demanded 50 Cents land to be written in the name of the 1st petitioner. Due to the harassment and torture, the victim had committed suicide by hanging in the matrimonial home. Hence the complaint.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are respectively A2 and A3, who are the parents of A1. He would also submit that the defacto complainant and the 2nd petitioner are brother and sister and due to their close relationship, the marriage was arranged and there was no demand of dowry. He would further submit that the major allegations are made out only as against A1 for having relationship with several other women and there is no allegations as against the petitioners herein as if they abetted the victim to commit suicide. He would further state that due to the matrimonial dispute between the deceased and her husband, the deceased committed suicide. He would also state that the petitioners are in custody from 26.08.2022, for more than one month. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners and the defacto complainant are relatives. He would also submit that the daughter of the defacto complainant was given in marriage to the son of the petitioners on



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30.01.2020 and they have a boy child aged about one and half years. He would further submit that A1 was working in Chennai at Cherinet company and he had affairs with several women and when it was questioned by the deceased, the petitioners along with A1 had abused and harassed her and the petitioner have also demanded 50 Cents of land to be written in their name. Thereby, the deceased committed suicide by hanging. He would also state that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioners.

5. Learned counsel appearing for the intervenor would submit that though, the petitioners and the defacto complainant are relatives, the marriage of the victim and A1 was solemnized on 30.01.2020 and A1 was having relationship with several other women and it was suppressed by the petitioners and the marriage was performed and thereafter, the petitioners have harassed the victim and compelled her to transfer 50 Cents of land in favour of the 1st petitioner herein. Due to the harassment and demand of dowry, the victim had committed suicide by hanging. Therefore, he vehemently opposed to grant bail to the petitioners.



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6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioners are the parents of A1 and there is no serious allegations as against these petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate-II, Jayamkondam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Chennai and report before the Inspector of Police, Soundarapandiyanar Angadi Police Station, Chennai, daily at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.II,
Jayamkondam.
- 2.The Inspector of Police,
Udayarpalayam Police Station,
Udayarpalayam,
Ariyalur District.
- 3.The Superintendent,
Sub Jail, Jayamkondam.
4. The Superintendent,
Women Cell, Trichy.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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