



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25700 of 2021

Nithyanantham @ Periyannayagam

...Petitioner

Versus

State Inspector of Police
E-5, Cholavaram Police Station,
Thiruvallur District.
(Crime No.340 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of his arrest in Crime No.340 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

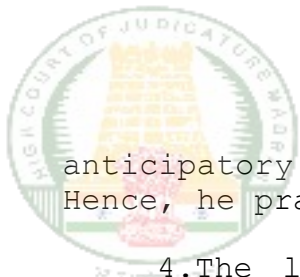
For Respondent : Mr.A.Gokulakrishnan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 174(3) of Cr.P.C. @ 498(A) and 304(B) IPC, in Crime No.340 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had married the daughter of the defacto complainant. Further, the petitioner had harassed the daughter of the defacto complainant and demanded dowry, due to which, she had committed suicide by hanging. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is the husband of the deceased. He further submitted that the deceased had depression that she could not able to give birth to child, due to which, she had committed suicide by hanging and the second petitioner has already been granted



anticipatory bail in CrI.O.P.No.22406 of 2021, dated 26.11.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner had married the daughter of the defacto complainant. Further, the petitioner had harassed the daughter of the defacto complainant and demanded dowry, due to which, she had committed suicide by hanging. He further submitted that the investigation is almost completed and the second petitioner has already been granted anticipatory bail in CrI.O.P.No.22406 of 2021, dated 26.11.2021. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Ponneri, on condition that the petitioner shall execute a 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 every Tuesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions has 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
20/01/2022

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 JUDICIAL MAGISTRATE,
NO.II, PONNERI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, CHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. S.SENTHILVEL Advocate on payment of necessary charges

CRL OP.25700/2021

Date :20/01/2022

TA-01/02/2022