



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25694 of 2021

Prabhakaran

...Petitioner

Versus

State rep by
The Inspector of Police,
Kanakammachatram Police Station,
Tiruvallur District.
(Crime No.602 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.602 of 2021 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.S.Sivaraman

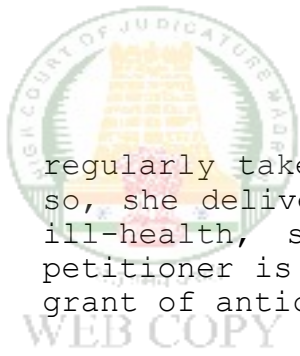
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174(3) Cr.P.C @ 306, 498(A) of IPC, in Crime No.602 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had married the deceased. Further, the petitioner and his family members had demanded dowry and tortured the deceased. Hence, the deceased left the matrimonial home within a period of four months from the date of marriage. Thereafter, the deceased person resided separately at her parent house, while so, the deceased delivered a male child and after a lapse of 17 months she consumed poison and died on 02.10.2021. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the deceased had a chronic heart disease and the first accused had



regularly taken the deceased to the periodical health check up, while so, she delivered a male child at Kilpauk Government Hospital. Due to ill-health, she consumed poison.. He further submitted that the petitioner is the relative of the first accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner and his family members had demanded dowry and tortured the deceased. Due to which, the deceased had consumed poison. He further submitted that the investigation is almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner has produced the medical report of the deceased, which reveals that the Special New Born Care Unit has issued a certificate of the deceased, stating that the deceased had a chronic heart disease. But this fact was suppressed by defacto family at the time of marriage as per submission made by the petitioner.

6. 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.

7. Accordingly, the petitioner is ordered 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, Tiruvallur, 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 and on further condition that:

(a) the petitioner 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 as and when required for 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 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]; and;

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

-sd/-

03/01/2022

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,
TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KANAKAMMACHATARAM POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. S.SIVARAMAN Advocate on payment of necessary charges SR.NO.76

CRL OP.25694/2021

Date :03/01/2022

INBA-06/01/2022