



Crl.O.P.No.26141 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.O.P.No.26141 of 2022

1. Pugazhenth

2. Amutha

... Petitioners

Vs.

The State represented by,
The Sub Inspector of Police,
Andimadam Police Station,
Andimadam Taluk,
Ariyalur District.
Crime No.331 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.331 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Kasinatha Bharathi

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



WEB COPY



CrI.O.P.No.26141 of 2022

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.10.2022, for the offences punishable under Section 174(3) Cr.P.C @ Sections 306, 304 (b) IPC, in Crime No.331 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Mother of the deceased is that her second daughter was given in marriage to the first petitioner/A1 during the month of January 2022 and her further allegation is that due to the demand of dowry and the continuous harassment made by the petitioners, her daughter had committed suicide at her parental house by self immolating her. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false complaint has been lodged as against them. He would also submit that the victim was forced into the marriage by the de-facto complainant and there was a dispute with regard to the same and when the victim went to her parental home, she had



Crl.O.P.No.26141 of 2022

committed suicide. He would further submit that there is no demand of dowry and no harassment was made on the side of the petitioners. He would also state that the petitioners are in custody from 01.10.2022 and hence, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the marriage between the petitioner and the victim was solemnized during the month of January 2022 and due to the constant harassment of dowry, the victim had committed suicide by self immolating her at her parental home and he would also submit that the victim was pregnant at that time. He would further submit that RDO report is pending. Therefore, he vehemently opposed to grant bail to the petitioners.

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



Crl.O.P.No.26141 of 2022

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel, and also taking note of the fact that the incident has taken place very recently, this Court is inclined to grant bail to the second petitioner and as far as the first petitioner is concerned, this Court is not inclined to grant bail to them.

7. Accordingly, the bail petition in respect of the first petitioner is dismissed for the present and in respect of the second petitioner, she 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 Judicial Magistrate No.II, Jayankondam**, 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 second petitioner shall stay at Perambalur and report before the Inspector of Police, Perambalur Town Police Station, Perambalur, daily at



Crl.O.P.No.26141 of 2022

10.30 a.m., until further orders. However, it is made clear that the second petitioner shall not enter into the jurisdictional limits of the respondent police;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 absconds, a fresh FIR can be registered under Section 229A IPC;

27.10.2022

ham



Crl.O.P.No.26141 of 2022

WEB COPY

To

1. The Judicial Magistrate - II,
Jayankondam.
2. The Sub Inspector of Police,
Andimadam Police Station,
Andimadam Taluk,
Ariyalur District.
3. The Central Prison,
Sub Jail,
Trichy.
4. The Inspector of Police,
Perambalur Town Police Station,
Perambalur.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26141 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.26141 of 2022

27.10.2022