



Crl.O.P.No.25902 of 2022

WEB COPY

Crl.O.P.No.25902 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 17.10.2022 for the offences punishable under Section 174(iii) of Cr.P.C @ 306 of IPC in Crime No.204 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Usha is that her daughter Nivetha @ Akila/victim was given in marriage to A1 on 01.06.2020 and at the time of marriage 12 sovereigns of gold jewels, a bike and other seer varisai items were given as dowry. Her further allegation is that A1 used to drink often and was also having several debts, thereby, he along with his family members repeatedly demanded more dowry from the victim and also harassed her, due to which the victim used to cry to the de-facto complainant. Subsequently, the victim had stated to the de-facto complainant that A1 had assaulted the victim, due to which, she sustained injuries and during such time, against her wish, he forcefully had physical affair with her and also the family members of A1 had demanded money from her and all causing depression to her. Thereafter, on



Crl.O.P.No.25902 of 2022

04.09.2022, the victim had attempted suicide by self immolating her and admitted in the hospital and she died in the hospital on 06.09.2022, without responding to the treatment. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner/A2 is an innocent person and she has been falsely implicated in this case and a false complaint has been given against her. He further submitted that there is no demand of dowry and the allegation is only against the first petitioner/A1 that he had compelled the victim to have physical relationship against her wish and thereby, the victim had committed suicide and the petitioner/A2, who is the mother A1, is unnecessarily roped into this case. He further submitted that A3 in this case has been granted anticipatory bail by this Court in Crl.O.P.No.28371 of 2022 on 18.11.2022. He also stated that the petitioner/A2 is in custody from 17.10.2022 and she is ready to abide by any stringent conditions that may imposed by this Court, hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.25902 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the marriage between the victim and the first accused/A1 was solemnized on 01.06.2020 and they have a male child. He further submitted that the first accused/A1, become alcoholic and was having several debts and he along with the other accused demanded dowry from the victim and also harassed her, further he compelled her to have physical relationship, even when she was not feeling well. He further stated that the petitioner/A2 (mother of the first accused/A1) are also demanding dowry from victim, due to which, the victim had committed suicide by self immolating her. He also stated that preliminary investigation reveals that there was a demand of dowry and the respondent are awaiting for RDO report. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and also perused the materials available on record.



Crl.O.P.No.25902 of 2022

WEB COPY

6. Taking into consideration the facts and the circumstances of the case and the submissions made by the learned Counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner/A2 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Arakkonam**, on condition that the petitioner/A2 shall execute 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 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 petitioner and 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 stay at Cuddalore and



Crl.O.P.No.25902 of 2022

report before the Inspector of Police, Cuddalore Old Town Police Station, everyday at 10.30 a.m., until further orders;

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

[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.

01.12.2022

arb



WEB COPY



Crl.O.P.No.25902 of 2022

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.25902 of 2022

01.12.2022