



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1461 of 2022

WEB COPY

1. Sagayarani
2. Arivazhagan

... Petitioners/Accused No.2 & 3

Vs

State Rep.by
The Inpsector of Police,
Fort All Women Police Station,
Trichy City.
Cr.No.21 of 2021.

... Respondent/Complainant

Kamaraj

... Petitioner/Intervener/Defacto Complainant

For Petitioners : Mr.K.M.Karunkaran,
Advocate.

For Intervener : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.21 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 04.01.2022 for the alleged offence under Section 174(3) Cr.P.C @ 306 IPC in Crime No.21 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the daughter of the *defacto* complainant one Sneha was married to one Vijayakumar and the accused persons were harassing the deceased by way of demanding additional dowry. On 26.12.2021, the first accused demanded additional dowry of Rupees five lakhs and the *defacto* complainant and one Thangapandi went to their house on 27.12.2021 at about 08.30AM and came to know that her daughter committed suicide by hanging. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any such offence as

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alleged by the prosecution, that the petitioners are in-laws of the deceased and that the petitioners are not having any previous case at their credit. The petitioner are in custody from 04.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the enquiry was conducted by the Revenue Divisional Officer and filed report stating that there was no dowry issue, but he also directed the respondent police to enquire on the complaint of the *defacto* complainant.

5.Considering the nature of charges levelled against the petitioners and also the facts that the main accused, ie., A1 is in judicial custody, that the petitioners are in-laws of the deceased, and that the petitioners are in judicial custody from 04.01.2022, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Additional Mahila Court, Tricy, and on further condition 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 petitioners shall report before the respondent police 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 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.

sd/-
11/02/2022

/ TRUE COPY /

11/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
- 5 THE INPSECTOR OF POLICE
FORT ALL WOMEN POLICE STATION,
TRICHY CITY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1461 of 2022
Date :11/02/2022

RS/VR/SAR.3(11.02.2022) 3P-7C