



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3953 of 2022

Muthalagu ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
(Cr.No.383/2021).

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B,
Advocate.

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

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

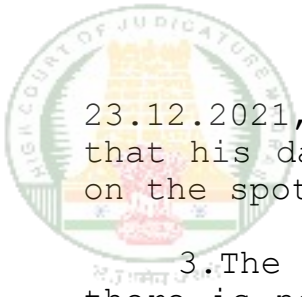
PRAYER :-

For Bail in Crime No.383 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 23.12.2021 for the offences punishable under Section 174 of Cr.P.C. @ Sections 304-B and 498(A) of IPC in Crime No.383 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is the father of the deceased gave a complaint before the respondent police stating that the defacto complainant's daughter namely, Uma Maheswari married one Jayachandran, that on 22.12.2021 at about 08.30 pm in the night, a day before the occurrence, the daughter of the defacto complainant contacted her father over phone and informed that her father-in-law and her brother-in-law were abusing and causing harassment to her for insisting to make arrangement of jewels so as to attend the relative's family function and therefore, the defacto complainant pacified his daughter and informed that he would come and meet her on the next day i.e, on



23.12.2021, but, the defacto complainant had received information that his daughter had committed suicide by self immolation and died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is no overt act attributed against the petitioner and she has been falsely implicated in the above case, merely on account of family dispute. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that originally the case was registered against five accused and after initial investigation, two persons were ordered to be deleted. Admittedly, the petitioner herein is the mother-in-law of A2. He would further submit that the Revenue Divisional Officer, after completing the enquiry, has concluded that the dowry harassment was the reason for death of the deceased and her earlier bail application was dismissed by this Court in Crl.O.P.(MD)No.1768 of 2022, dated 09.02.2022.

5.Considering the above facts and circumstances and also the nature of charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 23.12.2021 and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner 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, Additional Mahila Court, Trichy District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]***.



(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/03/2022

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04/03/2022

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.

TO

- 1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
TRICHY DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
RAMJI NAGAR POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3953 of 2022

Date : 03/03/2022

RS/SBN/SAR.1(04.03.2022) 3P-6C