



Crl.O.P.No.7387 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 of Cr.P.C @ 304 (B) of IPC in Crime No.162 of 2022, seeks anticipatory bail.

2. The case in Crime No.162 of 2022 came to be registered on the complaint given by WIMCO Nagar Railway staff stating that a lady was found dead on the railway track. During the course of the investigation, it came to light that a lady who committed suicide was one Arul Mozhi wife of A1. It is seen that the marriage between the said Arul Mozhi with the 1<sup>st</sup> accused/Rajadurai was solemnized on 21.02.2022. The further allegation is that the husband and in-laws of the victim had committed dowry and matrimonial harassment on her, due to which, the victim had committed suicide by jumping in front of the running train. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would submit that there was absolutely no demand of dowry. He would submit that the victim got depressed since she did not have a child and thereby, she had committed suicide by falling in front of the running train. He would submit that the petitioner's son and husband were arrested and remanded to judicial custody and they have applied for bail before this Court and this Court by order dated 13.04.2023 was pleased to grant bail with the condition to report before the respondent everyday at 10.30 a.m., until further orders. He would also submit that there is no specific allegation as against the petitioner as if, she demanded dowry and the RDO enquiry is also over. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent would submit that the petitioner is the mother-in-law of the victim/deceased and she along her family members have committed dowry and matrimonial harassment on her, due to which, the victim had



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committed suicide by jumping in front of the running train. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruvotriyur, Chennai**, 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, failing which, the



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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 his Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter 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



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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.

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