



Crl.O.P.No.7957 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest in connection with Crime No.69 of 2023, registered under Section 174(3) Cr.P.C and later, altered for the alleged offences punishable under Section 306, 498(A) of IPC, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant, Vasanthan, is that his daughter/victim was given in marriage to one Naresh/A1 on 04.09.2017 and at the time of marriage, 16 sovereigns of gold jewels were given as dowry and only after their marriage, the victim got to know that the accused was in the habit of drinking and in an inebriated condition, he used to quarrel with her daughter/victim and also harass her. Further, the first accused and his family members have also demanded dowry from the victim and abused her. While so, on 08.03.2023, the de-facto complainant's daughter has committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in crime No.69 of 2023 came to be registered under Section 174(3)



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of Cr.P.C. Later, during the course of investigation, the case has been altered to one under Sections 306 & 498 A of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person aged about 55 years, who is none other than the mother-in-law of the de-facto complainant's daughter/victim and she has been falsely implicated in this case. He further submitted that the marriage between the petitioner's son (A1) and the victim/deceased was solemnised on 04.09.2017 and they have no children, due to which, A1 became alcoholic, thereby, there were frequent quarrels between the victim and A1 and out of frustration, the victim had committed suicide and there is no demand of dowry. He further submitted that the petitioner has not abetted the victim to commit suicide, whereas, the de-facto complainant has lodged a false complaint as against the petitioner, as if the petitioner and his son has demanded dowry. He further submitted that major part of the investigation is over and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the marriage between A1 and the victim was solemnised during the year of 2017 and only after the marriage, the victim came to know that A1 is an alcoholic and that he along with his family members used to harass her every day and also quarrelled with her frequently demanding dowry, due to which, the victim has committed suicide by hanging. He further submitted that the RDO enquiry is also pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the victim, due to the matrimonial dispute, had earlier given a complaint before the Inspector of Police, All Women Police Station, Tiruvannamalai on 18.02.2023 and the matter has been settled and the victim has also withdrawn her complaint on 02.03.2023, whereas, even in the said complaint, there is no allegation of demand of dowry. Hence, he prayed for grant of anticipatory bail to the petitioner.



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6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 No.II, Tiruvannamalai**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 stay at Chennai and report before the Inspector of Police, B2, Esplanade Police Station, everyday at 10.30a.m., until further orders;

[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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

24.04.2023

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