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Crl.O.P.No.19892 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.19892 of 2023

Sundhari

...Petitioner

Vs.

The State Represented by,
Inspector of Police,
Killai Police Station,
Cuddalore District.
(Crime No.87 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.to enlarge the petitioner on bail in Crime No.87 of 2023 pending investigation on the file of respondent police.

For Petitioner : Mr.R. Thirumoorthy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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that there was a betrothal function held in connection with marriage of deceased and first accused on 23.11.2022. Even before marriage, petitioner had physical relationship with deceased and she got conceived. After the intervention of the elders, the marriage was celebrated on 04.05.2023. The accused in this case had ill-treated and harassed the deceased demanding dowry especially gold jewels. They also spoke ill of deceased family members as persons of no means, still defacto-complainant provided seer articles. When defacto-complainant and his wife visited the deceased at the residence of accused, they were abused. Deceased told the defacto-complainant that she could not stay in the house and wanted to come with defacto-complainant. She also stated that petitioner had ill-treated her on a daily basis. On 02.07.2023, when defacto-complainant's mother and his brother-in-law Selvaraj visited the house of the accused with fish, they were badly treated by the petitioner. On 03.07.2023, defacto-complainant received information that first accused had cut the neck of the deceased and caused her death. That resulted in the death of six months foetus in the womb of the deceased. Thus, he strongly opposed the release of petitioner on bail.



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4.Considering the submissions of the learned counsel appearing for parties, the First Information Report allegations, that even as per the final report, this petitioner is charged only under Sections 498 (A) I.P.C and Section 4 of Dowry Prohibition Act and that petitioner is woman and she is in judicial custody from 04.07.2023, this Court is inclined to grant bail to the petitioner with conditions.

5. Accordingly, 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 **Judicial Magistrate, Chidambaram**, and on further conditions 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 petitioner shall report before the respondent police daily at 10.00.a.m., until further



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. Judicial Magistrate,
Chidambaram.
2. Central Women Prison,
Vellore.
3. The State rep by
The Inspector of Police
Killai Police Station
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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