



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.13695 of 2022

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1.Boopalan
2.Arulsamy
3.A.Pradeepa
4.Alex

...PETITIONERS/ACCUSED 2 TO 5

-vs-

The State represented by
The Inspector of Police,
Alagappapuarm Police Station,
Sivagangai District.
(Cr.No.57 of 2022)

...RESPONDENT/COMPLAINANT

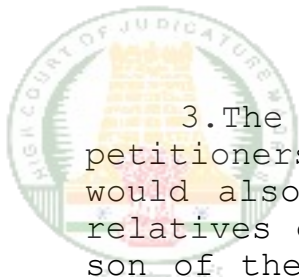
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.57 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.S.Thalamutharasu
For Respondent	: Mr.A.Albert James Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 306 of IPC in Crime No.57 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that her daughter, Uma Maheshwari, was given in marriage to Sengathir Selvan and at the time of marriage, 32 sovereigns of jewels and a cash of Rs.1,50,000/- for purchase of two wheeler and Rs.40,000/- was given to the husband's family. The further allegation is that there was constant harassment on account of demand of further dowry by the petitioners' family. While so, the victim had delivered a female child and on 29.06.2022, her daughter had informed her that she had pain in the neck and that she was admitted in a private hospital and thereafter admitted in Guru Hospital, Madurai and she died on 12.07.2022. Suspecting that her daughter had committed suicide on account of dowry harassment, the present complaint has been given.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners are respectively the father and relatives of the first accused and he would further submit that the son of the first accused got married to the de-facto complainant's daughter four years ago and that later, they came to know that the victim was having throat cancer and they have also given treatment for the victim. Later, the victim was also taken to Madurai for special treatment, where, she succumbed to death without responding to treatment on 12.07.2022 and the victim's mother, who was antagonized, has given a false complaint, as if there was a demand of dowry and thereby, the victim had committed suicide. He would submit also that the son of the first accused was arrested and he has been released on bail. He would further submit that an enquiry was conducted by the Revenue Divisional Officer and the Revenue Divisional Officer has concluded that there is no demand of dowry. He would further submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

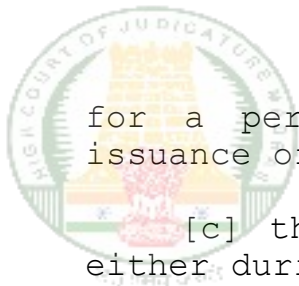
4.The learned Government Advocate (crl.side) would submit that the petitioners have harassed the de-facto complainant's daughter by demanding more dowry, leading to her death. He would also submit that the first accused has been arrested and released on bail. He would object for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. and the medical records relating to the victim girl, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 fourth petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter as and when required on issuance of summons. the other petitioners shall report before the respondent police everyday at 10.30 a.m.,



for a period of two week, thereafter as and when req on
issuance of summons.

[c] the petitioners shall not tamper with evidence or witness
either during investigation or trial.

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[d] the petitioners 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 petitioners in accordance with law as if the conditions
have been imposed and the petitioners 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/-
24/01/2023

/ TRUE COPY /

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

cmr

To

- 1.The Judicial Magistrate, Karaikudi.
- 2.The chief Judicial magistrate, sivagangai district,
- 3.The Inspector of Police,
Alagappapuarm Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.C.R.PONNUTHAI Advocate SR.No.1089

CRL OP(MD) No.13695 of 2023
Date :24/01/2023

KB/SAR III(04.02.2023) 3P 6C

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