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CRL O.P. No.20541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20541 of 2024

1.Valarmathi
2.Manikandan

... Petitioners / Accused 1 & 2

Vs

State rep. by
The Inspector of Police,
Veppamkuppam Police Station,
Vellore District.

... Respondent

[Cr. No.380 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.380 of 2024, on the file of the respondent.

For Petitioners : Mr.D.Thirumoorthy

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.08.2024 for the offences punishable under Section 194(3) of BNS @ 108 of BNS, in Crime No.380 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the defacto complainant is the mother-in-law of the 2nd petitioner. The daughter of the defacto complainant and the 2nd petitioner's marriage was solemnized on 21.06.2024. Through their wedlock, they have no child. It is alleged that the petitioners being mother and son had harassed the daughter of the defacto complainant and demanded dowry, as a result of which, the deceased committed suicide by hanging. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the deceased used to talk with other persons, when it was questioned by the petitioners, the deceased



committed suicide by hanging herself. He would further submit that the petitioners have nothing to do with the alleged offence and are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that due to matrimonial dispute between the deceased and the petitioners, the petitioners harassed the deceased and demanded dowry, which led to the deceased committing suicide by hanging. He would further submit that there are no previous cases against the petitioners and investigation is at preliminary stage. Hence, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering that there was matrimonial dispute pending between the parties and also the 2nd petitioner was not present in the



scene of occurrence on the date of occurrence and considering the number of days of incarceration undergone by the accused and all other aspects, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate 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 **Judicial Magistrate – III, Vellore**, and on further conditions that;

[b] the Petitioners shall report before the Taluk Police Station, Kanchipuram, everyday at 10.00 a.m., until further orders;

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

ata

To

- 1.The Judicial Magistrate – III, Vellore.
- 2.The Inspector of Police,
Veppamkuppam Police Station,
Vellore District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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