



WEB COPY



CRL O.P. No.21385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21385 of 2024

1.Murugesan

2.Nagalakshmi

3.Anbarasu

... Petitioners / Accused 1 - 3

Vs

State rep. by

The Inspector of Police,

Arumbavoor Police Station,

Perambalur District.

(Crime No.220 of 2024)

... Respondent

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.220 of 2024, on the file of the respondent.

For Petitioners : Mr.M.Vijaya Raghavan

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



CRL O.P. No.21385 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.08.2024 for the offences punishable under 296(b), 115(2), 79, 74, 108, 85 and 351(2) of BNS, 2023, r/w Section 4 of Dowry Prohibition Act, 1961, in Crime No.220 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the 3rd petitioner and the defacto complainant are husband and wife and the petitioners 1 and 2 are in-laws of the defacto complainant. It is alleged that the petitioners demanded dowry from the defacto complainant on several occasions, when the defacto complainant refused the same, the accused harassed her and committed cruelty against her, as a result of which, the defacto complainant attempted to commit suicide by consuming poison. 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



CRL O.P. No.21385 of 2024

case. He would further submit that the petitioners and the defacto complainant are relatives and due to matrimonial dispute, a false complaint has been given. He would further submit that the injured has been discharged from the hospital and there is no previous cases against the petitioners and the petitioners have been in custody for more than 20 days. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners, in order to extract dowry, harassed the defacto complainant and committed cruelty on her, due to which, the defacto complainant consumed poison, however, she survived. He would also submit that the defacto complainant was discharged from hospital and there is no previous case against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

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



WEB COPY

6. Considering the representation made by both side learned counsels and considering the relationship between the petitioners and the defacto complainant and that the injured has been discharged from hospital and also considering the nature of offences, 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, Additional Mahila Court, Perambalur**, and on further conditions that;

[b] the Petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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;



CRL O.P. No.21385 of 2024

[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 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.

02.09.2024

ata

To

- 1.The Judicial Magistrate, Additional Mahila Court, Perambalur.
- 2.The Inspector of Police,
Arumbavoor Police Station,
Perambalur District.
- 3.Central Prison (Women), Trichy.
- 4.Sub Jail, Lalkudi, Trichy District.
- 5.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.21385 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.21385 of 2024

02.09.2024