



WEB COPY



CRL O.P. No.22852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.22852 of 2024

1. Balu S/o. Vadivelu
2. Vadivelu S/o. Ponnurangam
3. Mangayarkarasi W/o. Vadivelu ... Petitioners / Accused
Vs

State rep. by:-

The Inspector of Police,
Perumbakkam Police Station,
Chennai. ... Respondent
[Cr. No.130 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Crime No.130 of 2024 on the file of the respondent police.

For Petitioners : Mr. K. Sabapathy

For Intervenor : Mr. R. Manikandan

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER



CRL O.P. No.22852 of 2024

The petitioners/Accused, who were arrested and remanded to judicial custody on 27.08.2024 for the offences punishable under section 174(3) of Cr.P.C. altered to Section 306 of IPC in Crime No.130 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that marriage was solemnized between the 1st petitioner and the deceased, who is the daughter of the defacto complainant, on 23.08.2023 and after the marriage, the 1st petitioner, in a drunken mood, quarelled with the deceased wife and the family members of the 1st petitioner also harassed her by demanding dowry, while so, on 26.04.2024, there was a quarrel between the 1st petitioner and the deceased, due to which, on 26.04.2024 at about 1 p.m., the deceased wife Dhanalakshmi, committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the these petitioners have been falsely roped into this case based on the complaint given by the defacto complainant, that they have been charged for the alleged offence under Section 174(iii) of Cr.P.C., altered to



CRL O.P. No.22852 of 2024

WEB COPY

Section 306 of IPC, that the deceased, very often, used to stay with her parents and insisted the 1st petitioner to set up a separate matrimonial home and partition the petitioners' family properties and the same was not accepted by the 1st petitioner, thereby there was misunderstanding between the 1st petitioner and the deceased and she committed suicide; that these petitioners are no way connected for the said suicide, that the petitioners were arrested and remanded to judicial custody on 27.08.2024 and hence he prayed to grant bail to the petitioners.

4. The learned counsel appearing for the intervenor would submit that the petitioners have harassed the deceased and they also demanded more dowry and also abetted to commit suicide. Hence he strongly opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal side) would submit that the petitioners have harassed the deceased and demanded dowry and thereby, she committed suicide. Investigation is at initial stage and hence he strongly objected to grant bail to the petitioners.



CRL O.P. No.22852 of 2024

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side and considering the fact that there is a matrimonial dispute between the deceased and petitioners, that there is no previous case pending against the petitioners and considering the fact that the petitioners are in judicial custody from 27.08.2024 and that already the 1st remand period was over and there is no chance for custodial interrogation, I am 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Additional Mahila Court, Alandur** and on further conditions that:

[b] the petitioners shall report before the respondent police



CRL O.P. No.22852 of 2024

daily at 10 a.m. until further orders.

WEB COPY

[c] the petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[d] the petitioners shall not abscond either during investigation or trial;

[e] 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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].



CRL O.P. No.22852 of 2024

WEB COPY

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

23.09.2024

[2/2]

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

TO

- 1.The Additional Mahila Court, Alandur.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, Perumbakkam Police Station, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

mjs



WEB COPY



CRL O.P. No.22852 of 2024

CRL.OP.No.22852 of 2024

23.09.2024

[2/2]