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Crl.O.P.No.24421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.24421 of 2024

1.Shanthi

2.Mari

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Minjur Police Station,
Thiruvallur District.
(Crime No. 405 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioners on bail, in Crime No. 405 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.P.Chandrasekar

For Respondent : Mr.S.Vinodkumar
Government Advocate (Crl.Side)

ORDER

The petitioners/A1 and A2, who were arrested and remanded to



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judicial custody on 11.09.2024, for the alleged offence punishable under Sections 194(3) of BNSS Act and subsequently the same was altered into 296(b), 351(2), 108 of BNS Act, in Crime No.405 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's daughter was married to the accused Muthazhagu. After 6 months of the marriage, the petitioners along with other accused started to harass and abuse the deceased demanding dowry. On 16.07.2024, unable to bear the torture, the deceased consumed poison, was taken to the hospital, and died without treatment. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are only in-laws of the deceased, they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submits that due to matrimonial dispute between the deceased and A1, they are no way connected with the alleged offence. He further submitted that the petitioners were arrested and they are in judicial custody for more than 20 days and they are ready to abide



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by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally four accused in this case and the petitioners herein are arrayed as A1 and A2. He further submits that the petitioners herein are father-in-law and mother-in-law of the deceased. He further submits that due to harassment of the accused, the deceased committed suicide by consuming poison. He further submits that the petitioners have no previous cases, pending against them. However, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, and the petitioners are in-laws of the deceased and there was a family dispute between the parties, and the petitioners have no previous case pending against them, considering the period of incarceration undergone by the petitioners, and also considering



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all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.II, Ponneri, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

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



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[e] 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

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

03.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
Minjur Police Station,
Thiruvallur District.
- 3.The Superintendent,
Women Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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