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Crl.O.P.No.31314 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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

Crl.O.P.No.31314 of 2024

1. Senguttuvan

2. Banumathi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
(Crime No.369 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in
connection with Crime No.369 of 2024, pending investigation on the file of the
respondent Police.

For Petitioners : M/s.Om Sai Ram

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.369 of 2024 registered
under Section 194(3) of BNSS and later, altered for the offence under Sections 85
and 108 of BNS.



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2. The incarceration of the petitioners being from 17.11.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are respectively the father-in-law and mother-in-law of the victim/deceased. He further submits that the marriage between the victim and the petitioners' son, who is employed at Andaman, was solemnised on 31.08.2020 and they were blessed with two children and therefore, there is no question of demand of dowry. He further submits that the victim had committed suicide due to some matrimonial dispute and there is no material to show that the petitioners had abetted the victim to commit suicide. He also submits that the petitioners are aged persons and they are in custody for a month and further, they ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that due to the cruelty committed by the petitioners, who are respectively the father-in-law and mother-in-law of the victim/deceased, in respect of the demand of dowry, the daughter of the de facto complainant/victim had committed suicide by consuming poison. He further submits that the RDO enquiry has been completed and the Report is yet to be received.



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4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Kattumannar Koil**, and on further conditions that:

[a] 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 petitioners shall stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners shall not tamper with evidence or witness 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



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have been imposed and the petitioners released on bail by the earned 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

16.12.2024

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To

1. The District Munsif cum Judicial Magistrate,
Kattumannar Koil.
2. The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.

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