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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD). Nos.1015, 1016, 1017 and 1018 of 2024

Raji @ Rajeswari	... Petitioner/ A6 in Crl.O.P.(MD)No.1015 of 2024
Kalpana	... Petitioner/ A4 in Crl.O.P.(MD)No.1016 of 2024
1 Valli	
2 Palaniyandi	... Petitioners/ A2 & A3 in Crl.O.P.(MD)No.1017 of 2024
Selvi	... Petitioner/ A5 in Crl.O.P.(MD)No.1018 of 2024

Vs

The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.413 of 2023). ... Respondent/ Complainant in all petitions

In all petitions:

For Petitioners : Mr.D.Rameshkumar,
Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.



COMMON PRAYER :-

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For Bail in Crime No.413 of 2023 on the file of the Respondent Police

COMMON ORDER : The Court made the following order :-

The petitioners/ A2 to A6, who were arrested and remanded to judicial custody on 24.12.2023 for the offences punishable under Section 174 of Cr.P.C. @ Section 306 of IPC, in Crime No.413 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is the mother of the deceased. The marriage was solemnized between A1 and the deceased on 30.06.2009. Out of wedlock, a male child was born. After marriage, A1 along with the other accused harassed the defacto complainant by demanding additional dowry. Due to which, the deceased committed suicide by hanging herself. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency. Initially, the Law Enforcing Agency, registered the case for the offence under Section 174 of Cr.P.C., and thereafter, it was altered into Section 306 of IPC.

3.The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the deceased and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that A1 and A7 were already granted anticipatory bail by this



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Court and the petitioners are in judicial custody since 24.12.2023 and hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed to grant bail to the petitioners stating that due to the harassment made by the accused, the deceased committed suicide by hanging herself. However, the co-accused were already granted anticipatory bail by this Court.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the facts that the deceased's husband is in abroad and the petitioners are only in-laws of the deceased and A1 and A7 were already granted anticipatory bail and the petitioners are in judicial custody from 24.12.2023 onwards, this court is inclined to grant bail to the petitioners, with 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, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Melur, Madurai District**, 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;

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(b) the petitioners are directed to appear before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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- 1 THE JUDICIAL MAGISTRATE
MELUR, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN AT MADURAI.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, SIVAGANGAI .
- 5 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD). Nos.1015, 1016, 1017 and 1018 of 2024

Date :23/01/2024

SS/SAR- /23/01/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023