



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/07/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7713 of 2020

Nagarajan

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Cr. No. 943 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran, Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

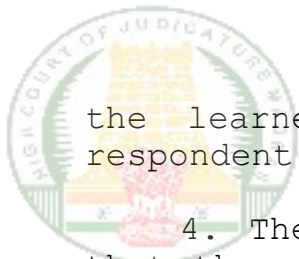
PRAYER :-

For Anticipatory Bail in Cr.No. 943 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under section 174 (3) of Cr.P.C @ under Section 304-B of IPC, in Crime No.943 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the father-in-law of the deceased. The deceased is the wife of A1. The marriage took place in the year 2015, out of their wedlock, they have blessed with a male child. After the marriage, the petitioner and A1 said to have demanded dowry and harassed the deceased and the same was reported to the defacto complainant, who is the father of the deceased. After few months later, the petitioner and his family members have demanded additional dowry and harassed the deceased. Thereafter, on 01.06.2020, the deceased was said to have committed suicide by set fire herself. Hence, the crime has been registered under Section 174(3) Cr.P.C and subsequently it was altered into under Section 304-B.



the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is the father of A1. He further submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Even as per the FIR, no allegation against the petitioner that he demanded dowry. He further submitted that A1 has already been arrested and released on bail and hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the allegation against the petitioner is that he along with other accused person were said to have demanded dowry and harassed the deceased. Due to which, the deceased said to have committed suicide by set fire herself. Hence, the crime has been registered under Section 174(3) of Cr.P.C., and subsequently it was altered into under Section 304-B of IPC.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the petitioner is the father of A1 and father-in-law of the deceased and the allegation against the petitioner is that he along with other accused were said to have demanded dowry and harassed the deceased. Considering the above facts and A1 has already been arrested and released on bail and considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and 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 petitioner shall report before the respondent police as and when required for interrogation.

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



(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7713 of 2020
Date :31/07/2020

VSG