

CRL.O.P.NO.11812 OF 2016**S.VAIDYANATHAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 28.04.2016 for the alleged offences punishable under Sections 304(B) IPC in Crime No.371 of 2014 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of the deceased. The petitioner and other family members are said to have demanded dowry and thereby the petitioner's deceased wife committed suicide on 18.07.2014 by hanging herself in the house of the defacto complainant, who is the father of the deceased.

3.The learned counsel for the petitioner submitted that the petitioner has been languishing in jail from 28.04.2016 and he is nothing to do with the alleged offence. He further submitted that the petitioner's wife committed suicide on 18.07.2014 while she was staying at her parent's house and that the defacto complainant tried to convert the case of suicide into the case of dowry death. He would further submit that neither the petitioner nor his parents demanded dowry at any point of time and till the death of the petitioner's wife, there was no complaint against the petitioner or his family members. On the basis of the SMS messages between the petitioner and his wife, the defacto complainant falsely implicated the petitioner in this case. He would further submit that the petitioner's sister was granted the relief of bail on 02.09.2014 by the learned Sessions Judge, Chengalpet and that petitioner's father, mother and his brother were granted anticipatory bail by this Court in Crl.O.P.No.22466 of 2014 on 27.08.2014 and hence, he sought for bail to the petitioner. Further, the petitioner is willing to abide any conditions imposed by this Court.

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4. The learned Government Advocate [Criminal Side] would submit that this is a case of dowry death. Totally there are four accused. Petitioner is A1 in this case. In the month of Aadi, the petitioner's wife left her in-laws home on 14.07.2014 and committed suicide by hanging herself on 18.07.2014. He would further submit that due to dowry harassment to the tune of Rs.10,00,000/-, the deceased has committed suicide and hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate [Criminal Side].

6. Considering the facts and circumstances of the case, the contention of the petitioner that the ingredients of Section 107 IPC is not attracted to the facts of the case, cannot be decided at this stage. Whether the ingredients are attracted or not and whether the petitioner and other family members are responsible for the death of the deceased, can be decided only at the time of trial. Since the death caused due to demand of dowry and the deceased wife has committed suicide within seven years from the date of marriage, merely because the co-accused have been granted anticipatory bail and the relief of bail is not a ground for this Court to grant a relief sought for by the petitioner. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this petition stands dismissed.

10.06.2016

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