

Crl.O.P.No.4355 of 2016**K.KALYANASUNDARAM, J.**

The petitioner who is arrayed as A.1, was arrested and remanded to judicial custody on 31.01.2016 for the alleged offences originally under Section 174 Cr.P.C. altered to Sections 498 (A) and 306 of IPC in Crime No.272 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the marriage between the petitioner and the deceased Rekha was solemnised on 02.03.2015 at Sathuvachari, Vellore. Since both the couples were working in IT companies at Chennai, they were residing at the house of A.2, Vinod Kumar, who is the brother of A.1. Due to dowry demand and harassment by the accused family, the deceased and the petitioner moved to a separate house at Palavanthangal, Chennai. Even thereafter, the accused had harassed the deceased demanding property from her father and hence the deceased left her matrimonial house and was living separately for the past four months. While so, on 30.01.2016, she committed suicide by hanging.

3. Mr.R.John Sathyan, learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely

implicated in this case. It is further contended that even as per the statement of the defacto complainant, the deceased was living apart from her matrimonial house for more than four months. There was no demand of dowry nor harassment soon before the death and therefore the offence punishable under Section 306 would not attract in this case. It is further submitted that the deceased is said to have left a suicide note however, there is no allegation of demand of dowry or harassment by the accused. The petitioner has been in incarceration for more than 50 days and hence his bail application may be considered.

4. Per contra, the learned Government Advocate (crl.side) appearing for the respondent vehemently opposed the bail petition contending that the death has occurred within one year from the date of the marriage and as per the statement of the witnesses, all the accused have harassed the deceased by demanding property from the defacto complainant. Further, the report of the RDO would reveal that the deceased had committed suicide due to dowry harassment. It is further submitted that the accused 2 to 4 are still at large.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alandur and on further condition that the petitioner shall report before the respondent police twice daily, i.e. at 10.00 a.m. and 6.00 p.m., until further orders.

21.03.2016

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