

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17299 of 2018

PERUMAL,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS
THE INSPECTOR OF POLICE,
SIVA KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.612 OF 2017

[RESPONDENT]

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.612 of 2017 registered by the respondent for the offences punishable under Sections 174 (3) Cr.P.C., subsequently, altered to offence under Section 306 of I.P.C.

2. The case of the prosecution as per the defacto complainant one Sargunam, is that her fourth daughter Sathya married the petitioner, after loving him, in the year 2015. After her marriage, the deceased Sathya was not having cordial relationship with the family of the de-facto complainant. However, occasionally, the de-facto complainant used to go and see her daughter. On 18.09.2017 around 11.00.am, the de-facto complainant went to her daughter's house and at that time, the petitioner had been continuously drinking for about four days and harassing her daughter to bring dowry from the defacto complainant. After talking with her daughter, the defacto complainant had come back to her home. On the same day, at about 4.00.p.m, while she was in her house, the defacto complainant received the information through her neighbour that her daughter committed suicide at the matrimonial home by hanging.

3. The learned counsel for the petitioner would submit that the occurrence is said to have taken place on 18.09.2017 and the case was registered under Section 174 (3) Cr.P.C. and later, after eight months, on 14.05.2018, the case was altered to one under Section 306 of I.P.C. He would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that even

admittedly, as per the complaint, the marriage between the deceased and the petitioner was a love marriage and that they were living separately after marriage and there was no demand for dowry at all. He would submit that the deceased, who is a hyper sensitive person, suspecting that the petitioner had earlier married somebody, had committed suicide. He would submit that there is no allegation that the petitioner abetted the victim to commit suicide. He would submit that the petitioner got two children and they are now under his care and custody.

4. The learned Additional Public Prosecutor would submit that due to insistent torture by the petitioner demanding dowry, the victim committed suicide by hanging. He would submit that originally, the case was registered under Sections 174 (3) Cr.P.C. and later altered to one under Section 306 of I.P.C on 14.05.2018 and the petitioner was arrested on 19.06.2018.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner is in custody from 19.06.2018, I am inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 No.I, Kancheepuram and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIVA KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges-
Sr.13487

CRL OP.17299/2018

Date :20/07/2018

ths : 20.07.2018