



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.378 of 2019

SURESH

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT,
Crime No.32/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.MATHAVAN Advocate

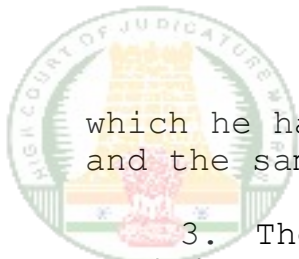
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 26.12.2018 for the offences punishable under Section 174 Cr.P.C @ 498(A), 304(B) and 201 of IPC in Crime No.32 of 2018, on the file of the respondent police, seek bail.

2. The defacto complainant is the mother-in-law of the petitioner. The marriage between the petitioner and the defacto complainant's daughter was solemnized on 20.05.2012. Out of their wedlock, they got two childrens. The petitioner is working as a collection agent in the Repco Bank and he had lot of debts, for which he has sent deceased Savithiri to get money from her sister and she had also brought Rs.4,00,000/- and 20 sovereigns of gold to help the petitioner. This was not repaid by the petitioner as promised and hence there was a dispute between them. Unable to bear the mental and physical cruelty, on 05.02.2018 the defacto complainant's daughter hang herself in the matrimonial home. This information was passed to the defacto complainant stating that her daughter was fainted and when they reached the house of the deceased they saw the body of their daughter kept in the freezer box. Since the death had taken place within 7^{1/2} years of the marriage RDO enquiry was conducted and RDO has given a report on 04.04.2018, in



which he has given a finding that the death was due to dowry demand and the same has reached the Court on 26.12.2018

3. The learned counsel for the petitioner would submit the petitioner is working as a collection agent in Repco Bank and his working time is from 9.00 a.m to 9.00 p.m and he never demanded dowry. Further there was a dispute with regard to taking care of the girl child, who is a special child. The deceased wanted this child to be taken to Special Child Rehabilitation Centre, Kuralagam at Trichy and lodged there which is not agreeable to the petitioner. This fact was also informed to the defacto complainant on 04.02.2018. The defacto complainant stated that it is between the petitioner and the deceased, due to which the deceased got agitated and ended her life by hanging herself. He would also submit that the defacto complainant is taking of this childrens, who is aged about 70 years. He would also submit that the petitioner after rescuing his wife had taken her in a Madhan-Jegan private ambulance to the hospital for providing treatment.

4. The learned Government Advocate(Crl.Side) would submit that investigation in this case is almost over and RDO has conducted a enquiry and report has been sent and charge sheet is yet to be filed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also the fact that charge sheet is yet to be filed , this Court is inclined to grant bail to the petitioner.

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, Pudukottai and on further condition that:

[a] The petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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.R.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/-
09/01/2019

/ TRUE COPY /

WEB COPY

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

TO

- 1.THE JUDICIAL MAGISTRATE NO I, PUDUKOTTAI.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 - 3.THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION, PUDUKKOTTAI DISTRICT,
 - 4.THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.G.MATHAVAN Advocate SR.No.466

ORDER
IN
CRL OP(MD) No.378 of 2019
Date :09/01/2019

TK/VR/SAR-1/09.01.2019/3P/7C