



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/07/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.10211 of 2019**

Saravanan,

... Petitioner/Accused No.1

Vs

State rep.by  
The Inspector of Police,  
Rameswaram Town Police Station,  
Ramanathapuram District.  
Cr.No.70 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Kumaravel,  
Advocate.

For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

PRAYER :-

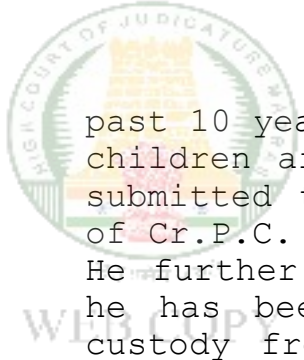
For bail petition in cr.no.70 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence punishable under Section 174 Cr.P.C, altered into 306 of IPC, in Cr.No.70 of 2019.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that even as per the FIR, the petitioner is the husband of the deceased. The petitioner/A1 along with his mother/A2 demanded dowry from the deceased and continuously harassed her. Since there was continuous torture, the deceased committed suicide by hanging. He further submitted that the petitioner and the deceased got married 10 years back and they have two children. He further submitted that for the



past 10 years, no incident had happened like this issue and now the children are taken care of by the petitioner's parents. He further submitted that initially the case was registered under Section 174 of Cr.P.C. Thereafter, it was altered into under Section 306 of IPC. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he is in custody from 28.05.2019 and A2 was already released on bail, and hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner/A1 along with his mother/A2 demanded dowry from the deceased and criminally intimidated her. Since there was continuous torture, the deceased committed suicide by hanging. The investigation is still pending. Hence, he strongly opposed for granting bail to the petitioner.

5.Taking into consideration of the fact that originally case was registered under Section 174 Cr.P.C and subsequently, it was altered into under Section 306 IPC and also the fact that the petitioner is in custody for the past 56 days and also the fact that already A2 was granted bail, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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 The Judicial Magistrate, Rameswaram.

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

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

[d] the petitioner shall not tamper with evidence or witness 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].

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

sd/-  
22/07/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
RAMESWARAM.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,  
DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,  
RAMESWARAM TOWN POLICE STATION,  
RAMANATHAPURAM DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.MUMARAVEL, Advocate ( SR-12063[I] dated 22/07/2019 )

ORDER

IN

CRL OP(MD) No.10211 of 2019

Date :22/07/2019

AE/JC/SAR-II (23.07.2019) 3P 7C