

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7326 of 2020

Kamal, S/o.Dhayalan
Mynanthari Village,
Arani Taluk,
Vellore District.

... Petitioner

Vs.

The state Rep. by
The Inspector of Police,
Arcot Taluk Police Station,
Vellore District.
Cr. No.53 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge on bail to the petitioner in Crime No.53 of 2020 pending investigation on the file of the respondent/complainant.

For Petitioner : Mr. V.Bhagiradhan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2020 for the offence punishable under Section 174(3) @ 306 IPC in Crime No.53 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.02.2020 the wife of the petitioner consumed rat poison in her parents house at Pudhumangadu Village. Thereafter, she was taken to a Hospital and after her recovery, she was discharged from the hospital. Again on 16.02.2020 she was admitted in the Christian Medical College, Vellore, due to severe stomach pain. On the very next day, i.e., on 17.02.2020 she died. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. He further submitted that the petitioner married the deceased before four years of her death. The deceased lived with the petitioner only for a period of three months from the date of their marriage. Thereafter, they got separated and the deceased was living in her parents house. In fact, in the year 2019, the deceased lodged a complaint against the petitioner in All Women Police Station, Arcot. Therefore, admittedly, the deceased was not living with

the petitioner at the time of occurrence and he is nothing to do with the offence as alleged by the prosecution. Further, he submitted that the petitioner was arrested and remanded to judicial custody on 20.03.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner married the deceased four years before the date of occurrence. There was a quarrel between the petitioner and the deceased and as such, the deceased consumed rat poison on 11.02.2020 and thereafter, she died on 17.02.2020. He further submitted that there was no complaint of dowry demand in the Revenue Divisional Officer's report. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner got married the deceased four years before the date of occurrence, i.e., on 11.02.2020. Admittedly, there was a misunderstanding between the petitioner and the deceased. After four months of their marriage, she got separated and living in her parents house. While that being so, on 11.02.2020, the deceased was in her parents house, she consumed rat poison and immediately, she was taken to hospital. After three days, she was discharged from the hospital after her recovery. Again she got stomach pain on

16.02.2020 and she was admitted in the Christian Medical College Hospital, Vellore, and she died on 17.02.2020. Initially, a case was registered under Section 174 Cr.P.C., and subsequently, altered to the offence under Section 306 of IPC. Further, the Revenue Divisional Officer conducted enquiry and revealed that there was no dowry harassment by the petitioner or his family members.

6. Considering the above facts and circumstances and also the period of incarceration undergone by the petitioner from 20.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

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

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

[g] 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].

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

7. With the above directions, this Criminal Original Petition is ordered.

11.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dna

To

1. The Principal Sessions Court,
Vellore.

2. The District Munsif-Cum-Judicial Magistrate,
Arcot.

3. The Inspector of Police,
Arcot Taluk Police Station,
Vellore District.
Cr. No.53 of 2020
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent,
Central Prison, Thorappadi, Vellore.



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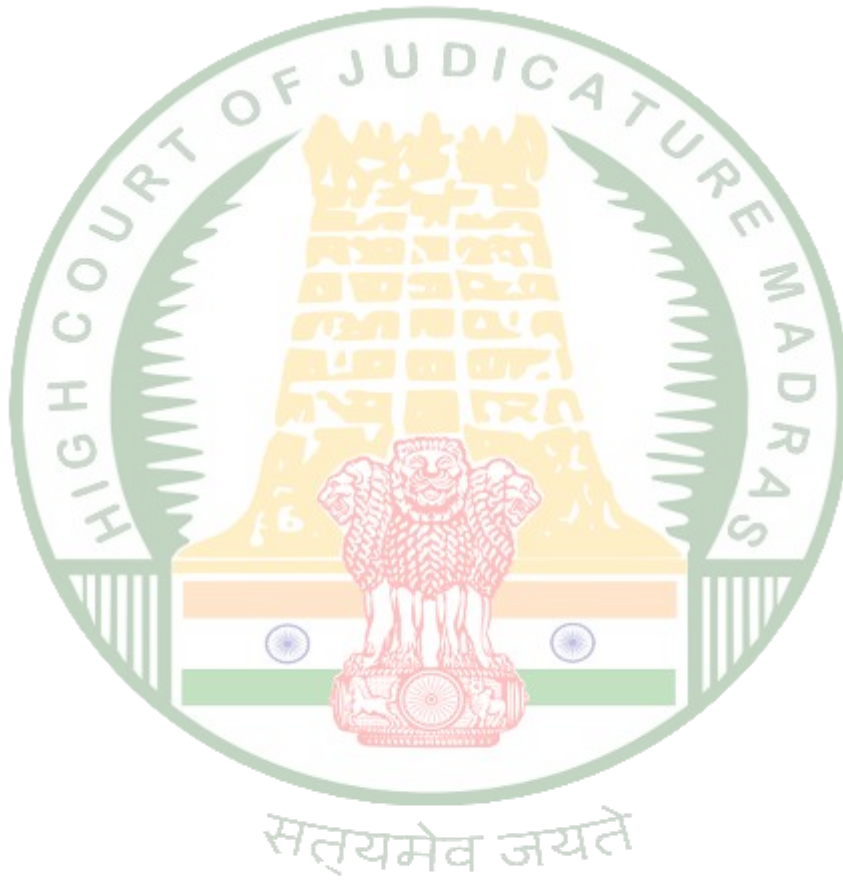
G.K.ILANTHIRAIYAN, J.
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