

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 8172 of 2020

Karthick

... Petitioner

-vs-

State represented by
Inspector of Police,
Pathirivedu Police Station,
Thiruvallur District.
(Cr.No.319 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 319 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr. B.Devakumar

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 25.04.2020 for the offences punishable under Sections 174(3) Cr.PC. @ 498-A and 306 of I.P.C. in Crime No.319 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that his daughter Sunitha, aged 22 years, was married to the petitioner on 08.09.2019. While so, on 23.04.2020, his daughter was found dead in a mysterious circumstance in the matrimonial home. Thereafter, during investigation it was found that the victim had committed suicide due to harassment on account of dowry.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and the marriage between the petitioner and the victim took place on 08.09.2019. Later it was found that the victim was not interested in marriage. Since the father of the victim had compelled her for the marriage, she had married the petitioner. Later she had left the matrimonial home and gone to the parents house and thereafter, a panchayat was conducted and she returned to the matrimonial home. Since she was not interested in marriage, she committed suicide by hanging on 23.04.2020. Learned counsel for the petitioner would further submit that the petitioner is in custody for more than 68 days and the co-accused has been granted interim anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the marriage between the petitioner and the victim took place on 08.09.2019. Since there was constant harassment on account of additional dowry, the victim had committed suicide on 23.04.2020 by hanging at the matrimonial home. He would further submit that the investigation is pending.

5.Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail for more than 68 days, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District Munsif cum Judicial Magistrate, Gummidipoondi within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, 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 everyday at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
01/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PATHIRIVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S B.DEVAKUMAR Advocate on payment of necessary charges

CRL OP.8172/2020

Date :01/07/2020

MK:06/08/2020

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