

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8651 of 2020

Manikandan

.... Petitioner

Vs.

State rep. by

The Inspector of Police,
Melchengam Police Station,
Tiruvannamalai District.

(Crime No.524/2020)

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.524 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mrs.M.Reeca

For Respondent : Mr.C. Iyyappa Raj

Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 15.04.2020 for the offence under Sections 174(3) Cr.P.C @ 306 of IPC., in Crime No.524 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.04.2020, the deceased Venda who is the wife of Manikandan, had committed suicide by hanging at her residence. The complaint was given by the mother of the deceased stating that the marriage between the petitioner and the deceased was solemnized on 09.09.2013 and out of the said wedlock they had two female and one male child. The petitioner is working as a lorry driver. The petitioner tortured the deceased in demanding Rs.2,00,000/- for buying a lorry from her parents. Since the deceased was not willing for the same there were frequent quarrels and the deceased was tortured. Finally the deceased was unable to bear the harassment and torture of the petitioner and committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and the deceased married on 09.09.2013 and out of the wedlock they had two female and one male child. The petitioner being a lorry driver normally takes long journey and he was taking care of his family with his limited income he was making. The petitioner had treated the deceased with good humor and providing with best what he could afford. The reason for the deceased committing suicide is not known to the petitioner. Further the RDO has conducted an enquiry and found that there is no demand of dowry. Even now the petitioner's parents are taking care of the 2 children and one child is with the defacto complainant. Therefore, he seeks grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the accused is a lorry driver and the marriage between the petitioner and the deceased is taken place in the year 2017 and out of the wed lock they have 3 female children and one male child. The petitioner is a lorry driver used to consume alcohol and pick up fight with the deceased and he was not taking care of the deceased as well as the children and they were left to starve. Despite the deceased requested the petitioner to stop the consumption of alcohol, the petitioner was continuing his habit and day by day his alcohol consumption increased and caused torture and harassment to the petitioner. The deceased was unable to bear the harassment and torture of the victim and has committed suicide. RDO has conducted an enquiry and given a report that there is no demand of dowry.

5. Taking into consideration of the fact that there is no demand of dowry and the habit of the petitioner was not agreeable to the victim seems to be the reason for the deceased to take extreme steps, 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, failing which the bail granted by this Court shall stand dismissed.

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

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[h] 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 petitioners 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.

-sd/-
16/06/2020

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 JUDICIAL MAGISTRATE NO.I,
TIRUVANNAMALAI.

2 THE OFFICER INCHARGE,
SUB JAIL, CHENGAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

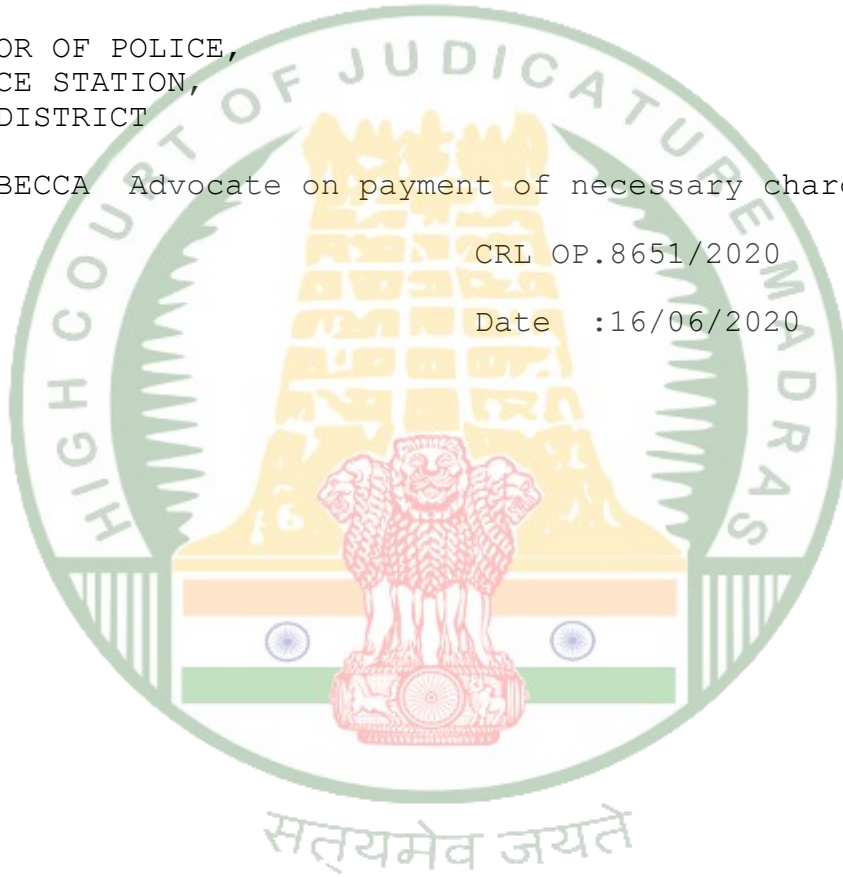
4 THE INSPECTOR OF POLICE,
MELCHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT

CC to M.REBECCA Advocate on payment of necessary charges

CRL OP.8651/2020

Date :16/06/2020

MK:30/09/2020



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