

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 8936 of 2020

S. Senthilnathan

... Petitioner

-vs-

State rep. by

The Inspector of Police,
A.W.P.S., Thirumangalam,
Chennai District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in respect of Crime No. 10 of 2020 on the file of the Inspector of Police, A.W.P.S., Thirumangalam, Chennai District.

For Petitioner : Mr. A.M. Natraj

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 03.06.2020 for the offence punishable under Sections 498 (A), 306 and 116 of the Indian Penal Code, 1860, and Section 4 of the Dowry Prohibition Act, 1961, in Crime No. 10 of 2020 on the file of the Respondent Police, seeks bail.

2.The case of the prosecution as per the de-facto complainant, Nagendran is that his sister was married to the Petitioner on 23.06.2019 and after the marriage, the Petitioner and his family members used to cause cruelty demanding dowry and thereby she returned back to the parental home. On 28.05.2020, there was a telephonic conversation between the Petitioner and the sister of the de-facto complainant and since the Petitioner had harassed her over phone, she had jumped from the second floor of her house resulting in fracture on face and both legs.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that the marriage between the

Petitioner and the victim took place on 23.06.2019 and due to some dispute, she had gone to parental home. When that is so, when she was in her parental home, due to quarrel about her marriage life with her parents and sudden aggravation, she had jumped from the second floor. He would further submit that however, the de-facto complainant and his family members had fastened the blame on the Petitioner. The Petitioner was arrested and remanded to judicial custody on 03.06.2020.

4.The learned Additional Public Prosecutor would submit that the Petitioner is the husband of the victim and they got married on 23.06.2019. He would further submit that the Petitioner had continuously demanded dowry and sent her back to her parental home and hence, she attempted to commit suicide because of the harassment made by the Petitioner and his family members. Hence, she suffered fracture on face and both legs and taking treatment in hospital, and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case, 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 Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai within 15 days from the date of lifting of the lockdown 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 as and when required for interrogation;

(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/-

26/06/2020

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 METROPOLITAN MAGISTRATE,
ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE JAILOR
SUB-JAIL, CHENGALPATTU

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAS HIGH COURT,
CHENNAI-104.

5 THE INSPECTOR OF POLICE,
A.W.P.S. THIRUMANGALAM,
CHENNAI DISTRICT.

CC to M/S. A.M.NATRAJ Advocate on payment of necessary charges

WEB COPY

CRL OP.8936/2020

Date :26/06/2020

rd 21/07/2020