

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10472 of 2020

P.Loganathan

... Petitioner/A1

Vs.

State Rep. by
The Inspector of Police,
M7-Manali New Town Police Station,
Tiruvallore District.
(Crime No.700 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.700 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 498(A),
116 of IPC and subsequently altered at 498(A), 116 of IPC., 306 of
IPC in Crime No.700 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner
continuously harassed the deceased and also demanded dowry. The
petitioner is the husband of the deceased. Because of the harassment
made by the petitioner and his family members, on 23.05.2020, the
deceased committed suicide by hanging herself. Immediately, she was
taken to the hospital and on 27.05.2020, but she died, Hence the
complaint.

3. The learned counsel for the petitioner would submit that the
marriage between the petitioner and the deceased took place 10 years
before and they also lived happily and gave birth to two children.
After the period of 10 years, due to wordy quarrel between the
husband and wife, the wife committed suicide by hanging herself on
23.05.2020. Immediately she was taken to the hospital and she had

been given treatment for four days. Unfortunately, she died on 27.05.2020. He would further submit that A2 to A4 have been granted anticipatory bail in CrI.O.P.No.9091 of 2020, dated 23.06.2020 by this Court.

4. The learned Additional Public Prosecutor would submit that there are totally four accused and the petitioner is the husband of the deceased. The petitioner and his family members harassed the deceased and also demanded dowry. Due to harassment, the deceased committed suicide by hanging herself on 23.05.2020 and immediately she was taken to the hospital and she died on 27.05.2020. He would further submit that there was no suicide note against the petitioner by the deceased.

5. From the above facts and circumstances of the case, it is seen that the petitioner is the husband of the deceased. Admittedly, the marriage took place between the petitioner and the deceased 10 years before and they gave birth to two children. There was a family dispute between the petitioner and the deceased, therefore, on 23.05.2020, the deceased committed suicide and died on 27.05.2020. She was on ventilation and as such the respondent police was not able to record the dying declaration of the deceased and there was no suicide note against the petitioner by the deceased.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court-II, Ponneri on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 ensure their identity.

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

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

[d] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/07/2020

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 JUDICIAL MAGISTRATE,
NO.II, PONNERI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
M7-MANALI NEW TOWN POLICE STATION,
TIRUVALLORE DISTRICT.

CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary charges

WEB COPY

CRL OP.10472/2020

Date :27/07/2020

cs 24/08/2020