

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10542 of 2020

Karnan

... Petitioner

Vs.

State rep. by its
The Inspector of Police
Attur Town Police Station
Attur
Salem District.
(Crime No.399 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.399 of 2020 pending on the file of the The Inspector of Police, Attur Town Police Station, Attur, Salem District.

For Petitioner : Mr.M.Senthil Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.05.2020 for the offence punishable under Sections 174(3) Cr.P.C. altered into Section 306 IPC, in Crime No.399 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Jayaraman is that he belongs to backward community and his daughter Sandhiya was friendly with the petitioner who belongs to Dalit community. They have married without the consent of their parents and they have one female child. While so, on 23.05.2020, the petitioner who is the husband of the daughter of the defacto complainant, demanded dowry of Rs.50,000/- and 5 sovereigns of gold from his daughter, due to which, the deceased committed suicide by hanging. Based on the complaint given by the defacto complainant, initially a case has been registered under Sections 174 (3) Cr.P.C. and the same was later altered into Section 306 IPC,

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to previous enmity, a false complaint has been given by the defacto complainant as the petitioner belongs to Dalit community and married his daughter against his wish. He would further submit that the petitioner and his wife were continuously harassed by the defacto complainant and the persons belonging to their community, due to which, his wife committed suicide and the petitioner is now blamed for the suicide of his wife. The petitioner was arrested on 23.05.2020 and is in custody for more than two months and the major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would submit that the defacto complainant and the petitioner belonged to different communities. The marriage of the petitioner and the deceased took place on 31.08.2016 against the wishes of the defacto complainant. After four years of marriage, the petitioner demanded dowry and harassed her, hence, the victim committed suicide by hanging. RDO report is awaited.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the petitioner is in custody from 23.05.2020, 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 her 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) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.I, Attur, Salem District, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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. for a period of one week and thereafter 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/-
15/07/2020

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.I, ATTUR, SALEM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
ATTUR, SALEM DISTRICT.

CC to M/S. M. SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.10542/2020

Date :15/07/2020

cs 18/08/2020