

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.07.2020

CORAM :

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

Crl.O.P.No.11186 of 2020

G.KANNAN

... Petitioner

Vs.

The State rep by
Assistant Commissioner of Police
North Range, Law and Order
Kannankuruchi Police Station
Salem District
(Crime No.166 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.166 of 2020, on the file of the Assistant Commissioner of Police Kannankuruchi Police Station, Salem District.

For Petitioner : Mr.S.Conscious Ilago

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 05.06.2020 for the offences punishable under Section 174 (3) Cr.P.C. @ 306 IPC, in Crime No.166 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Gandhimathi is that her daughter Rajeswari was given in marriage to the petitioner during the year 2013 and at the time of marriage jewels and an amount was given to the petitioner. On 04.03.2020, the petitioner called the defacto complainant over phone and stated that her daughter had committed suicide by hanging. The defacto complainant found injuries on the body of her daughter, thereby a case was registered for the offence under Section 174 (3) Cr.P.C, after investigation, it was altered to 306 IPC.

3.The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the deceased took place in the year 2013 and they were having happy married life. Since there was no child out of the wedlock, the victim committed suicide due to frustration. The petitioner was arrested on 05.06.2020. and the petitioner is inside for more than 50 days.

4.The learned Government Advocate (Criminal Side) would submit that the marriage between the petitioner and the deceased took place in the year 2013 and they have no children, hence the deceased out of frustration committed suicide by hanging. He would further submit that RDO also conducted enquiry and opined that there is no dowry demand.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel that there is no dowry demand, 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 condition to execute 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)**, before the Additional Mahila Court (Fast Track Court) (Magistrate Level) 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 two weeks 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 petitioners 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.

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

-sd/-
28/07/2020

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 ADDITIONAL MAHILA COURT
(FAST TRACK COURT) (MAGISTRATE LEVEL),
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE ASSISTANT COMMISSIONER OF POLICE NORTH
RANGE, LAW AND ORDER
KANNANKURUCHI POLICE STATION,
SALEM DISTRICT

CC to M/S. S.CONSCIOUS ILANGO Advocate on payment of
necessary charges

CRL OP.11186/2020

Date : 28/07/2020

MK:25/08/2020