



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

CrI.O.P.No.12565 of 2020

K.Manikandan
S/o.Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
(Crime No.1268 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.1268 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Thirugnanam
For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (CrI. Side)

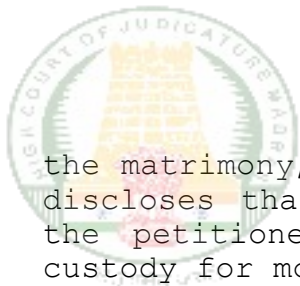
O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.07.2020 for the offence punishable under Sections 174 Cr.P.C. @ 306 and 498(A) of IPC, in Crime No.1268 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant one Pitchandi is that his daughter Sangeetha was given marriage to the petitioner on 27.01.2020, at the time of marriage jewels and house hold articles were given as dowry. While his daughter was in the matrimonial house, she has been subjected to harassment by her husband and in laws on account of demanding more dowry. Whiles, on 26.06.2020, his son-in-law had brought his daughter to his house and left her and gone away. While his daughter was at home, she consumed rat poison and committed suicide on 27.06.2020.

3.The learned counsel for the petitioner would submit that this is the second bail application. He would submit that the petitioner had approached this Court earlier on 29.07.2020 and this Court, by an order dated 29.07.2020 dismissed the bail application on the ground that RDO enquiry was not concluded. He would submit that there was absolutely no demand of dowry and that since the victim did not like



the matrimony, she had committed suicide and that the RDO report also discloses that there was no demand of dowry. He would submit that the petitioner was arrested on 03.07.2020 and he is in judicial custody for more than 60 days.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that earlier bail application was dismissed on 29.07.2020 on the ground that RDO enquiry was not concluded. He would submit that now the RDO report has been filed and as per the RDO report, there was no demand of dowry.

5. Taking into consideration the facts and circumstances of the case and the report of RDO, 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 within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Vandavasi, 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;

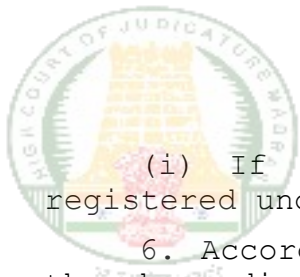
(d) the petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of two(2) weeks and thereafter, every Monday at 10.30.a.m until further orders.

(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. Accordingly, this Criminal Original Petition is ordered with the above directions.

WEB COPY

-sd/-

02/09/2020

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,
VANDAVASI, THIRUVANNAMALAI DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THELLAR POLICE STATION,
THIRUVANNAMALAI DISTRICT,

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

CRL OP.12565/2020

Date :02/09/2020

RD 08/09/2020