

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 12702 of 2020

Silambarasan

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police
Kandili Police Station,
Vellore District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.773 of 2020, on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

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 09.07.2020 for the offences punishable under Section 174 (iii) of Cr.P.C subsequently altered into for the offence under Sections 294(b), 498(A) and 306 of I.P.C., in Crime No.773 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Murugesh is that his daughter Kavitha was married to the petitioner on 09.04.2014 and on 08.07.2020, the defacto complainant has received a information about his daughter death. On enquiry, it was found that the petitioner along with his relatives has harassed his daughter demanding dowry for which, the victim has committed suicide by hanging.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he would submit that the petitioner and the deceased kavitha has got married during the year 2014 and they have one child. The matrimonial life between the petitioner and the deceased Kavitha was going on smoothly. Due to the COVID-19 pandemic situation, the petitioner was staying at home without any job and his wife was depressed by then and she committed a suicide and a false complaint has been lodged against the

4.The learned Government Advocate (Crl. Side) would submit that the marriage between the petitioner and the deceased Kavitha was taken place in the year 2014 and he would submit that till the petitioner demanded dowry she has been committed suicide. He would further submit that the RDO enquiry is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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, and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate -II, Thiruppathur, 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 Aadhaar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police everyday at 10.30 am 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 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/-

28/08/2020

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, THIRUPPATHUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.12702/2020

Date :28/08/2020

RVR 09/09/2020

WEB COPY