

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Crl.O.P.No.12972 of 2020

GOKUL

... Petitioner

Vs.

State, represented by
The Inspector of Police
Banavaram Police Station
Vellore-District
(Crime No.341 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.341 of 2020, on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

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 12.07.2020 for the offences punishable under Section 174(3) Cr.P.C. @ 306 IPC, in Crime No.341 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Vasantha is that her second daughter who was working as a nurse in Ramachandra Hospital loved the petitioner who belonged to a different community. They got married and after the marriage, she did not go to work. The petitioner who is the son in law of the defacto complainant got into a drinking habit and he had sold all the jewels belonging to her daughter and also harassed her, due to which, her daughter committed suicide by hanging.

3. The learned Counsel for the petitioner would submit that the marriage between the petitioner and the defacto complainant's daughter was love marriage and the family of the defacto complainant was totally against the marriage and since they did not like the marriage, the petitioner's wife committed suicide by hanging and the

petitioner has been implicated falsely in this case as if the victim died due to the petitioner's drinking habits and harassment. He would further submit that the petitioner is in custody from 12.07.2020 for no fault of his.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is the son in law of the defacto complainant. He would further submit that though it was love marriage the petitioner, after the marriage due to his drinking habits, he harassed his wife by demanding dowry and also sold all the jewels belonging to his wife, due to which, she committed suicide by hanging. He would further submit that RDO enquiry is pending.

5.Heard both sides and perused F.I.R.

6.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also 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) Thereafter, 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), before the Judicial Magistrate Court, Sholigar, 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 on his release from prison and shall report before the respondent police everyday 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 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/-
25/08/2020

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 COURT,
SHOLIGAR

2 THE OFFICER INCHARGE
SUB-JAIL, WALAJABAD.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BANAVARAM POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.12972/2020

Date :25/08/2020

cs 07/09/2020