

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13094 of 2020

Murugan

... Petitioner/Sole Accused

Vs.

The State represented by,
The Sub Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
Crime No.1765 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1765 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.B.S.Ramesh

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 Sections 174(3) of Cr.P.C @ 498(A), 304(b) of IPC in Crime No.1765 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Parasuraman is that his daughter Gunalakshmi, was given a marriage to the petitioner on 30.10.2014. At the time of marriage, six and half sovereigns of jewels and Rs.15,000/- cash was given and after the marriage, his daughter delivered two female children and that the petitioner (son-in-law of the defacto complainant) used to harass her asking her to bring money from her home and he had also pledged her jewels. While so, on 08.07.2020, the petitioner had called the defacto complainant's son viz., Basker to inform that his wife had committed suicide.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that the marriage between the petitioner and the deceased took place on 30.10.2014 and they were leading happy married life and the victim had delivered two girl children. During the Covid period since the petitioner was not having any work, the victim was depressed and she committed suicide on 08.07.2020. He would submit that there is no demand of dowry. He would submit that the petitioner has to take care of his two children and that he is ready to appear before the RDO for enquiry.

4 The learned Government Advocate appearing for the respondent would submit that the daughter of the defacto complainant had married the petitioner on 30.10.2014 and out of the wedlock, they have two girl children. Since, the petitioner had demanded her to bring money from her parents house, victim had committed suicide. He would further submit that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

5 Heard both sides and perused FIR.

6 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 09.07.2020, 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 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, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Arni, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever 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., 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.

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

-sd/-
27/08/2020

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,
ARNI.

2 THE OFFICER INCHARGE
SUB-JAIL, POLUR,
TIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KANNAMANGALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.13094/2020

Date :27/08/2020