

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

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

Crl.O.P.No.13179 of 2020

Niresh kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
F-1, Chintadripet police station,
Chennai.
Cr.No.641 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 case in Crime No.641 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. V.Veluchamy

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 30.07.2020 for the offences punishable under Sections 174(3) Cr.P.C. and altered to 304 (B) IPC and Section 4(1)(B) of Tamil Nadu Women Harassment Act, in Crime No.641 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased victim Priyanka had got married on 20.06.2019, after the marriage, the petitioner had tortured the victim and demanded dowry, due to that the deceased left the matrimonial home and settled with their parents and she had committed suicide by hanging on 29.07.2020. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim got married on 20.06.2019 and they were living separately at Hyderabad. Due to incompatibility between the petitioner and his wife, the victim had within three months of marriage, left the matrimonial home to live with her parents at Chennai and there was no contact between the petitioner and the

victim. Whiles, the victim committed suicide at her father's place by hanging. He would submit that the petitioner was arrested on 30.07.2020 and he is in custody for more than a month and submitted that the petitioner is prepared to appear before the respondent for investigation.

4. The learned Government Advocate (Crl. Side) would submit that the victim Priyanka was married to the petitioner on 20.06.2019 and that they were living at Hyderabad and the petitioner demanded dowry from her and driven her out from the matrimonial home and thereafter, she came to live with her father and on 29.07.2020, the deceased committed suicide by hanging and also left a suicide note and stated that unable to bear the torture given by the petitioner and his family members. She had committed suicide.

5. At this juncture, the learned counsel for the petitioner submitted that within 3 months of marriage, the deceased left the matrimonial home and was residing with her father.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner from 30.07.2020, 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 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, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned 14th Metropolitan Magistrate, Egmore, Chennai, 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, shall report before the respondent 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 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. With the above directions, this Criminal Original Petition is ordered.

-sd/-
03/09/2020

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 METROPOLITAN MAGISTRATE
NO.14TH, EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-1, CHINTADRI PET POLICE STATION,
CHENNAI.

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

CRL OP.13179/2020

Date :03/09/2020

cs 08/09/2020