

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

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

Crl.O.P.No.14299 of 2020

1.Dasarathan
2.Rajamani
3.Ramakrishnan

... Petitioners

Vs.

The State Rep by
Sub-Inspector of Police
Melchengam Police Station
Tiruvannamalai
Crime No.2098 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.2098 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Panneer Selvam

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 11.07.2020 for the offence punishable under **Section 174(3)(iv) of Cr.P.C. and later altered to Sections 306 and 498A of Indian Penal Code, in Crime No.2098 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Sathiyaraj is that his sister Shonaba was married to the first petitioner namely Dasarathan S/o. Rajamani nine years back and there used to frequent demand of dowry and occasional Panchayats and several complaints were also given to the respondent police. While so, the accused have demanded Rs.15 lakhs from the deceased for purchase of house. When she had not informed the same to the defacto complainant, the accused have assaulted her and committed cruelty on her due to which, on 10.07.2020, she committed suicide by hanging. It was also found that the deceased was pregnant at the time of committing suicide.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the first petitioner is the husband, second petitioner is father-in-law of the deceased and the third petitioner is the relative of the first petitioner and a false complaint has been given as if, there was demand of dowry. He would submit that the marriage between the first petitioner and the deceased took place nine years back and they have got three children. He would submit that during Corona period, there was some misunderstanding between the parties, due to which, she committed suicide by hanging. Though, the allegation is made as if the petitioners committed cruelty, there is no injury on the victim and there is no demand of dowry at all. He would further submit that the first and second petitioners were arrested on 10.07.2020 and the third petitioner was arrested on 11.07.2020 and they have been suffering incarceration for more than 60 days. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the first petitioner is the husband of the deceased who is the sister of the defacto complainant. The deceased was given in marriage to the first petitioner nine years back and they have got three children and that the deceased was also pregnant. At that time, the accused have harassed and committed cruelty on the victim by demanding Rs.15 lakhs for purchase of house due to which, she committed suicide by hanging. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration of the petitioners from 10.07.2020 and 11.07.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined;

(b) Thereafter, the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Chengam, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 petitioners on their release from prison, shall stay at Tiruvannamalai and report before the Inspector of Police, Town Police Station, daily at 10.30 a.m. until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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/-
14/09/2020

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,
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB - INSPECTOR OF POLICE,
MELCHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT

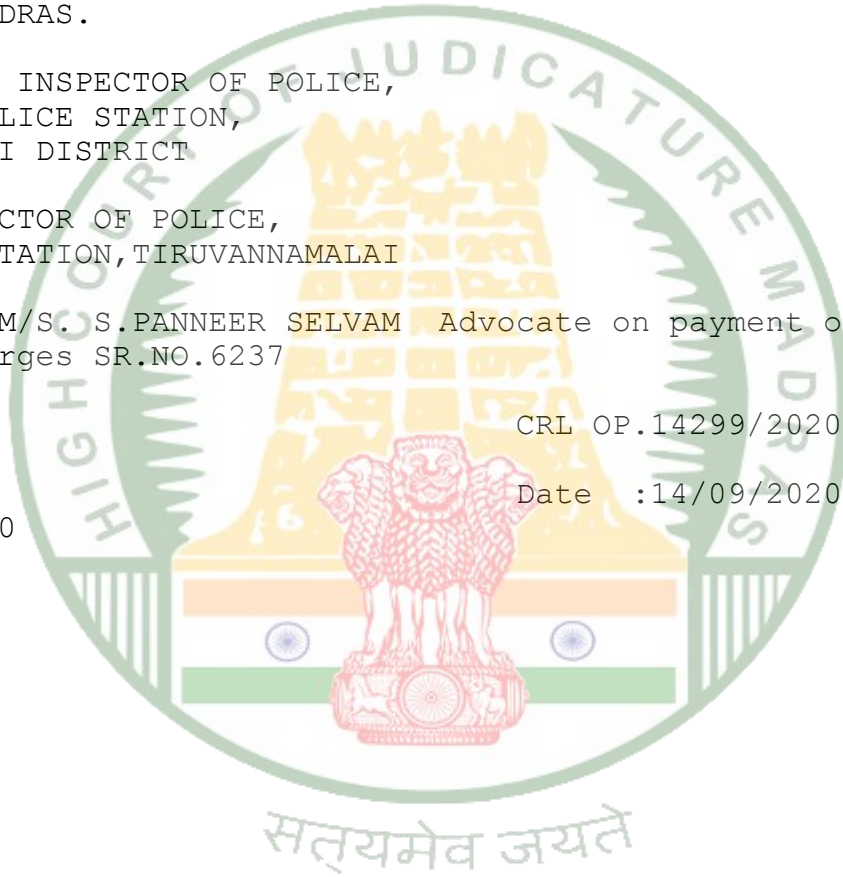
6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, TIRUVANNAMALAI

+1 CC to M/S. S.PANNEER SELVAM Advocate on payment of
necessary charges SR.NO.6237

CRL OP.14299/2020

Date :14/09/2020

GKS:17/09/2020



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