

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

Crl.O.P.No.14529 of 2020

Pradeep @ Pradeepraj

... Petitioner/Accused-1

Vs.

State by

The Inspector of Police,

T-15, SRMC Police Station,

Ayapanthangal, Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.37 of 2020 on the file of the Respondent.

For Petitioner : Mr.G.Ashok kumar

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

O R D E R

(These cases have been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.08.2020 for the offence punishable under Sections 174(3) Cr.P.C. @ to Section 306 IPC in Crime No.37 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Amudha is that her elder daughter Banu was married to one Sampathkumar on 17.11.2013 and that they were living at Jafarkhanpet and her husband was running a grocery store in the building owned by A1.While so, on 13.08.2019, the victim was found missing along with the child and on the complaint given by the defacto complainant, the case was registered in crime No.397 of 2019 as women and child missing. Thereafter, it was found that her daughter had eloped with the petitioner/A1 and they were living in a house at Iyappanthangal. While so, the defacto complainant received a message that her daughter was admitted in a hospital since she attempted to commit suicide and later she died on 25.01.2020. During the course of investigation, it came to light that the petitioner had enticed her and taken her away from her

husband and lived with her for some time and thereafter deserted her due to which, she committed suicide. The allegation against A2 is that he is the friend of A1 and he assisted him for arranging a house for them to stay.

3. The learned counsel appearing for the petitioner would submit that this is second application for bail and the earlier petition was dismissed by this Court on 01.09.2020 and that the petitioner has been suffering incarceration for 44 days from 05.08.2020. He would further submit that even taking into consideration the allegations in the FIR, the petitioner cannot be attributed for having abetted the suicide of the victim. He would further submit that though it is alleged that there was an adulterous relationship between the petitioner and the victim, the petitioner never abetted the victim to commit suicide. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner/A1 had enticed the married woman and taken her away and lived with her at a separate rental house. While so, the deceased had insisted the petitioner to marry her. But the petitioner refused to marry her due to which, there was a quarrel between them and that the deceased committed suicide by hanging. He further submits that originally the case was registered under Section 174(3) Cr.P.C. and later, on knowing that the petitioner/A1 is the reason for the suicide of the victim, the case was altered to Section 306 IPC and that the investigation is pending. He would further submit that the RDO enquiry has been conducted and there is no demand of dowry. However, he opposed for grant of bail to the petitioner.

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 petitioner from 05.08.2020, 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;

(b) Thereafter, the petitioner shall execute a 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 No.I, Poonamallee, Chennai, 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 petitioner on his release from prison, 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.

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

सत्यमेव जयते

-sd/-

18/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
POONAMALLEE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-15, SRMC POLICE STATION,
AYAPANTHANGAL, CHENNAI.

CC to M/S G.ASHOK KUMAR Advocate on payment of necessary
charges

CRL OP.14529/2020

Date :18/09/2020

GKS:22/09/2020



WEB COPY