

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 14827 of 2020

1.S.Selvam

2.S.Panchavarnam

... Petitioners/Accused Nos. 1 & 2

vs.

The State represented by,
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
[Crime No. 2515 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 2515 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mrs.S.Thankira

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 29.08.2020 for the offences punishable under Sections 498-A and 306 of IPC in Crime No. 2515 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Sugumoorthi, is that his daughter viz., Shilpa was married to the first petitioner eleventh months back and the first petitioner was working in the Indian Army. Whenever, he goes to work at the Indian Army, his daughter used to come to his house. On 08.08.2020, at about 10.00 a.m., the victim was unable to bear stomach-ache, she has consumed pesticide and she was taken to the hospital, where, she was declared brought dead. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are an innocent person and they have been falsely implicated in this case. He would submit that originally the case was registered under 174(3) Cr.P.C and that even as per the defacto complainant, there was no demand of dowry or the victim was not harassed by the petitioners. He would submit that the defacto complainant himself has stated that unable to bear stomach-ache, the victim had committed suicide and later due to the instigation of the relatives, a false complaint has been given against the petitioners, as if the first petitioner had relationship with the some other women and when it was questioned by the victim, the petitioners had abetted her to commit suicide. He would submit that at the time of occurrence, the petitioner was in Army at Jammu and on information, he had come and attended the funeral. He would further submit that he was arrested on 29.08.2020 and that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the marriage between the victim and the first petitioner took place eleventh months back and that the first petitioner, who was working in the Indian Army, had relationship with several other women and the other women have informed to the victim about the same and when it was questioned by the victim, the petitioners had abetted her to commit suicide. She would submit that the investigation is pending and that the RDO enquiry has been conducted and it has disclosed that there was no demand of dowry. Hence, she opposed to grant bail to the petitioners.

5 Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioners from 29.08.2020, 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 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, Polur, Thiruvannamalai District and on further conditions that:

(b) 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;

(c) the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar

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

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

30/09/2020

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 COURT,
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE JAILER,
SUB JAIL, THIRUVANNAMALAI.

3 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S. S.B.VISWANATHAN Advocate on payment of
necessary charges SR NO.6533

CRL OP.14827/2020

Date :30/09/2020

MK:01/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>