

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM :

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

CRL.O.P.No.14983 of 2020

Perumal

... Petitioner

Vs.

State Rep. by its
The Inspector of Police
Kalavai Police Station
Ranipet District
(Crime No.212 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.212 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Sairaman

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 10.08.2020 for the offences punishable under **Section 174(3) and subsequently altered into 306 IPC in Crime No.212 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, Ananthan, who is the brother of the deceased Sembaruthi is that the marriage between the petitioner and the victim Sembaruthi took place on 01.01.2020 and the further allegation is that since the petitioner had demanded dowry and harassed the victim, the victim committed suicide on 03.07.2020 by hanging and the petitioner was arrested on 10.08.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that the marriage between the petitioner and the victim was performed on 01.01.2020 and due to some dispute, the victim committed suicide. He would further submit that there is no allegation that the petitioner had abetted the victim to commit suicide and demanded dowry. He would further submit that even as per the

Postmortem report there is no external injuries and RDO enquiry is also completed. He would submit that the marriage between the petitioner and the deceased is a love marriage.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner got married to the victim Sembaruthi on 01.01.2020 and it is a love marriage. On the fateful day, the petitioner had demanded Rs.100/- from the victim and when it was refused by the victim, the petitioner had assaulted her with hands, thereby, the victim committed suicide out of frustration. He would further submit that the statement of the witnesses examined by RDO, do not disclose demand of dowry. The petitioner is in custody from 10.08.2020.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the fact that there is no dowry demand and there is no external injury in the postmortem, 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 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 District Munsif Cum Judicial Magistrate, Arcot** 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 petitioner on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner 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 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];

(h) 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/-
05/10/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KALAVAI POLICE STATION,
RANIPET DISTRICT.

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

CRL OP.14983/2020

Date :05/10/2020

MK:06/10/2020

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