

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

CRL.O.P.No.16001 of 2020

RAJA

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Kalappal Police Station,
Thiruvavarur District.
(Crime No.688/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.688 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.09.2020 for the offences punishable under Sections 174 of Cr.P.C., @ 306 of IPC, in Crime No.688 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Jayaraman is that his daughter Jayanthi was married to the petitioner Raja and that they have two children. While so, due to harassment and demand of dowry, his daughter has committed suicide by self immolation.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner had married the deceased Jayanthi six years back and they have two children. He would further submit that his wife after six years, developed illicit intimacy with some other person, due to which, the petitioner became alcoholic and despite the request by the petitioner, the deceased did not mend her ways, due to which, there was a quarrel and since the

petitioner had reprimanded, she had committed suicide by self immolation, hence, a case was originally registered for the offence under Section 174 Cr.P.C. and after the death of the victim, it was altered to 306 IPC. He would further submit that the petitioner was arrested on 19.09.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner got married to the deceased Jayanthi six years back and they have two children. While so, the petitioner became alcoholic and assaulted the daughter of the defacto complainant, thereby, on 05.08.2020, she had attempted to commit suicide by self immolation, thereafter, she was taken to the hospital and that she died on 18.09.2020 without responding to the treatment. He would further submit that the deceased had also given a dying declaration stating that the petitioner is the reason for her committing suicide. He would further submit that investigation is pending and there is no demand of dowry.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner from 19.09.2020, 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 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-I, Manargudi, Thiruvarur 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 petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.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.

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

-sd/-
16/10/2020

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 JUDICIAL MAGISTRATE,
NO.I, MANARGUDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE JAILER
SUB-JAIL, THIRUTHURAIPOONDI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KALAPPAL POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.16001/2020

Date :16/10/2020