

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM :

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

CRL.O.P.No.16071 of 2020

Chithamparam

... Petitioner

Vs.

State by: Inspector of Police,
Elachipalayam Police Station,
Namakkal District.

Cr.No.655/2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.655 of 2020 on the file of the Inspector of Police, Elachipalayam Police Station, Namakkal District.

For Petitioner : Mr.C.Paraneedharan

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 28.08.2020 for the offences punishable under **Section 174 (3) Cr.P.C. Altered to 306 of IPC, in Crime No.655 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Athayi is that her 2nd daughter Balamani was married to the accused 3 ½ years ago. The further allegation is that right from the date of the marriage, the accused used to demand dowry from her and he is also having drinking habit. The further allegation is that the pet harassed her daughter and a complaint was also given by the victim against her husband two years ago . While so, 18.08.2020, the victim unable to bear the torture of the accused, committed suicide by hanging.

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 got addicted to alcohol and there was a problem in the family. He would further submit that during the Covid-19 period, the petitioner was not having job, due to which, the victim was depressed and committed suicide. He would further submit that absolutely there is no injury on the victim also. He would further submit that the marriage between them took place 3 ½ years back and they were leading a happy married life.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the daughter of the defacto complainant one Balamani got married 3 ½ years ago and they have one child and that the petitioner became alcoholic and he had harassed the victim and demanded dowry from the defacto complainant. Unable to bear the torture of the petitioner, the victim committed suicide by hanging. Since the victim committed suicide within a period of 3 ½ years of her marriage, RDO enquiry is also pending. Further, there is no external injuries found on the victim.

5.Heard the learned counsels on either side. Perused the other documents 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, 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 **Judicial Magistrate, Tiruchengode, Namakkal 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 on his release from prison shall report before the respondent police everyday 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.

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

-sd/-

12/10/2020

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,
TIRUCHENGODE, NAMAKKAL DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.16071/2020

Date :12/10/2020

MK:13/10/2020

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