

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.16120 of 2020

GOVINDHARAJ

... Petitioner

Vs.

State by
The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur District.
Crime No.715/2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.715 of 2020 on the file of the Inspector of Police, Thirupathur Taluk Police Station, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.08.2020 for the offences punishable under **Sections 174(3) @ into 498(A), 306 of IPC, in Crime No.715 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Perumal is that his daughter Shobana was married to the petitioner one year back and that his daughter was having cyst in the ovary and she was suffering from pain in her stomach and chest. Further allegation is that two days prior to the occurrence, the victim came to his house and had gone back to her in-laws house. Thereafter, he received information from the father in law of his daughter stating that due to stomach pain, his daughter had committed suicide by hanging. Based on his complaint, a case was registered for the offences under Section 174(3). During the enquiry, the fact came to light that the victim had committed suicide due to the harassment of her husband and in laws.

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 marriage between the petitioner and the victim was performed one year back and that due to cyst in the ovary, the victim suffered pain in her chest and stomach and she could not conceive for the past one year, for which, she was taking treatment and surgery had also been performed in the ovary for the cyst. He would further submit that on 15.07.2020, the victim unable to bear the stomach pain, committed suicide. He would further submit that there was no demand of dowry and no harassment. He would further submit that the petitioner was arrested on 29.08.2020 and he is in custody for more than 40 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the marriage between the petitioner and the victim was performed one year back, since, the victim did not conceive even after one year, the petitioner and his parents had abused her for not conceiving, thereby, the victim committed suicide by hanging. He would further submit that RDO enquiry is pending and as per the postmortem, there were no external injuries.

5.Heard the learned counsels 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, 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 No-II, Thirupathur**, 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,
NO.II, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPATHUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. G.VINODHKUMAR Advocate on payment of necessary charges SR.NO.6794

CRL OP.16120/2020

Date :12/10/2020

TA-13/10/2020