

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 16628 of 2020

G.Jayachandran

... Petitioner/Accused

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Sankar Nagar Police Station,
Chennai.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 956 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.M.Syedfasimohammed

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.09.2020 for the offences punishable under Section 306 of IPC in Crime No. 956 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Kumar is that his daughter viz., Dhivya, age 34 years, got married with the petitioner, who is a Marine Engineer, on 01.06.2012 and they have got two children and during Covid-19, there was a dispute between the son-in-law and his daughter due to some financial problem and further, the petitioner used to harass the victim even for a petty reason and unable to bear the torture, the victim had committed suicide by hanging herself on 20.09.2020. Therefore, based on the complaint given by the defacto complainant, the petitioner was arrested on 21.09.2020.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the marriage between the petitioner and the victim took place on 01.06.2012, they have got two children and that the petitioner is a Marine Engineer, he used go for Voyage and come to home once in a year for three months. He would further submit that due to Covid-19 pandemic situation, the the petitioner did not have any employment and he was at home, due to which, the victim was depressed and had committed suicide by hanging on 20.09.2020. He would submit that the petitioner has rescued her wife and taken her to the hospital, where, she was declared brought dead. Enraged by the death of his daughter the defacto complainant had given a false complaint against the petitioner. He would submit that the minor children are still in the custody of the parents of the petitioner and that there is no allegation that the petitioner had abetted the victim to commit the suicide. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was a financial dispute between the petitioner and the victim, due to which, the petitioner used to harass the victim and that unable to bear the harassment and torture, the victim had committed suicide by hanging. Hence, he oppose to grant bail to the petitioner.

5 Heard the learned counsel and perused FIR.

6 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 21.09.2020, 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 No.II, Tambaram 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 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;

(h) 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];

(i) 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/-

28/10/2020

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SANKAR NAGAR POLICE STATION,
CHENNAI.

5 THE JAILER, SUB-PRISON,
CHENGALPATTU.

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

CRL OP.16628/2020

Date :28/10/2020