

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16710 of 2020

Sangarpandian

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
(Cr.No.1259 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1259 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C., altered to 306 of IPC, in Crime No.1259 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Latha Francis is that her daughter got married to one Sangarpandi seven months back and her daughter was six months pregnant and the defacto complainant wanted to take her daughter for Valaikappu function, whereas her husband had not permitted her to go to Mumbai. While so, on 09.08.2020, the defacto complainant received an information that her daughter committed suicide by hanging at the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner/husband of the deceased is an innocent person and the victim was born and brought up in Mumbai. The marriage between the petitioner and the deceased took place 7 months back and the victim also got pregnant. The defacto complainant wanted to take her daughter for Valaikappu function, whereas the petitioner did not want her to take the victim to Mumbai due to covid period, due to which, she was depressed and thereby committed suicide. He would further submit that the petitioner refused to let his wife to go to Mumbai only out of his love and affection. During the relevant period,

there were number of covid cases in Mumbai and under these circumstances, the petitioner did not permit her. He would further submit that the RDO enquiry was completed and the report reveals that there was no allegation with regard to demand of dowry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner married the victim 7 months back and she got pregnant. The mother of the victim insisted to take her daughter to Mumbai for Valaikappu function and the petitioner did not allow her to take her, thereby the victim committed suicide by hanging. He would further submit that the RDO report reveals that no allegation was made for demand of dowry. However, he vehemently opposed grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Tiruchengode on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

18/11/2020

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

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.16710/2020

Date : 18/11/2020

RVR 02/12/2020

WEB COPY