

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

CORAM :

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

CRL.O.P.No.17091 of 2020

1.Ranjithkumar
2.Shanthi

... Petitioners

Vs.

State by of
Inspector of Police,
Puzhal Police Station,
Tiruvallur District.
(Crime No.2687 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2687 of 2020 on the file of the respondent.

For Petitioners : Mr.R.Arundattan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 13.09.2020 for the offences punishable under Section 174 of Cr.P.C, and subsequently altered into Section 498(A) and 304(B) of IPC, in Crime No.2687 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Mahadevan is that his daughter Bagyalakshmi was married to one Ranjithkumar, the 1st petitioner herein on 19.01.2018 and that they have one male child born on 15.04.2019. While so, the 1st petitioner / her husband used to suspect her fidelity and assaulted her and used to demand gold jewels and cash from her parents. The further allegation is that the 1st petitioner along with the 2nd petitioner / his mother assaulted his daughter and three months prior to the occurrence, the defacto complainant had gone to the house of his daughter and pacified his son in law. While so, on 11.09.2020 he called her over phone and later he received information that she had killed her son and committed suicide by hanging. Hence

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that during the pandemic period, the 1st petitioner was not having any work and due to which his wife / victim, got depressed and committed suicide, but, a false complaint has been lodged against them as if the 1st petitioner along with the 2nd petitioner, his mother had demanded dowry from the victim and also suspected the fidelity of his wife. He would further submit that the petitioners were arrested on 13.09.2020 and they are in judicial custody for more than 45 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the marriage between the 1st petitioner and the deceased was solemnized on 19.01.2018 and they have one male child. The petitioners used to demand more dowry and also suspected her fidelity, due to which, she had committed suicide on 11.09.2020 after killing her one year old son. He would further submit that RDO enquiry is pending.

5.Heard the learned Counsels on either side. Perused the F.I.R.

6.Taking into consideration of the facts and submissions made by the learned counsels this court is not inclined to grant bail to the 1st petitioner. His bail application stands dismissed accordingly.

7.Taking into consideration of the fact that the 2nd petitioner is only the mother of the 1st petitioner and there is no specific overt act as against her, this Court is inclined to grant bail to the 2nd petitioner alone subject to the following conditions:

(a) Accordingly, the 2nd 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) each, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madavaram, 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 2nd petitioner on her release from prison shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks, thereafter, on every Monday at 10.30 a.m. until further orders.

(d) the 2nd petitioner shall not commit any offences of similar nature;

(e) the 2nd petitioner shall not abscond either during investigation or trial;

(f) the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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 as against the 1st petitioner stands dismissed and as far as the 2nd petitioner is concerned, this Criminal Original Petition stands ordered.

-sd/-

02/11/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PUZHAL POLICE STATION,
TIRUVALLUR DISTRICT.

+1 CC to M/S. R.ARUNDATTAN Advocate on payment of necessary charges SR.No.7175

CRL OP.17091/2020

Date :02/11/2020