

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17325 of 2020

C.Arunkumar

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Negamam Police Station
Coimbatore -641016.
(Crime No.1055 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest in Crime No.1055 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.L.Prabakaran

Learned Senior Counsel

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offence publishable under Section 174 of IPC @ Section 306 of IPC in connection with Crime No.1055 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Manikandan is that his daughter Geethanjali was married to the petitioner viz., Arun Kumar on 15.09.2019 and after the marriage, his daughter was living in a joint family at the house of her husband and she also became pregnant and she came to the house of the defacto complainant during January 2020. The husband's family members did not come to take her back to the matrimonial home and when the defacto complainant had enquired his daughter, she had informed him that her husband and in-laws had suspected that she was having relationship with some other person before the marriage and thereby harassed her when she was in the matrimonial home. When his

daughter was nine months pregnant, she attempted to commit suicide on 08.08.2020 by consuming cow dung powder insecticide. The daughter was taken to the hospital and she died on 19.08.2020 during treatment. Hence, the complaint.

3. The learned senior counsel for the petitioner would submit that the petitioner is the husband of the victim girl. He would further submit that the marriage between the petitioner and the victim took place on 15.09.2019 and that it was an arranged marriage. Later, the petitioner came to understand that the victim was having love affair with one Boopathy Kannan before marriage and that she wanted to marry the said Boopathy Kannan. Whereas the defacto complainant against her wish had arranged for marriage between his daughter and the petitioner suppressing her relationship. He would further submit that even after the marriage, the victim continued her relationship with the said Boopathy Kannan and that there were exchange of messages through whatsapp. After the marriage, the victim became pregnant and that she left to the defacto complainant's house and when the petitioner asked her to come back to the matrimonial, she refused. While so, she attempted to commit suicide on 08.08.2020 at the house of the defacto complainant by consuming cow dung powder. Thereafter, she was taken to the hospital where she died on 19.08.2020 during treatment. He would further submit that the victim prior to the marriage had travelled several places along with the said Boopathy Kannan and that was the reason for committing suicide and there was no demand of dowry or harassment by the petitioner. The petitioner name has been unnecessarily roped in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the marriage between the daughter of the defacto complainant and the petitioner took place on 15.09.2019 and later she became pregnant. Thereafter, she was sent to the defacto complainants house but the petitioner and his parents did not take steps to take her back to the matrimonial house. Further, he would submit that the petitioner has also harassed the victim suspecting that she was having relationship with one Boopathy kannan before marriage, due to which, the victim consumed cow dung powder and died on 19.08.2020. He further submitted that RDO enquiry has been completed and as per the RDO enquiry, there is no demand of dowry and there was only an allegation of harassment.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Pollachi** on condition that the petitioner shall execute a separate 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] 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/-

04/11/2020

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,
NO.II, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEGAMAM POLICE STATION,
COIMBATORE-641 016.

+1 CC to M/S.R.MUNIYAPPARAJ Advocate on payment of necessary
charges SR.NO.7263

CRL OP.17325/2020

Date :04/11/2020

TA-09/11/2020



WEB COPY