

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 17336 of 2020

Karthick

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Manavalanagar Police Station,
Thiruvallur District.
(Crime No.1787 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1787 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 02.10.2020 for the offences punishable under Sections 174 (iii) Cr.P.C altered into 306 of IPC, in Crime No. 1787 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Rajesh is that his sister Devi was married to the petitioner on 02.07.2020 at Polivakkam Murugan Temple and at the time of marriage, 10 sovereigns of gold jewellery were given to his sister. The further allegation is that after the marriage, the in-laws side had demanded 20 sovereigns from her and that the defacto complainant had also agreed to give it to them later. Thereafter, during Aadi, his sister came home and informed the defacto complainant that her in-laws are demanding more jewels from him. On 28.08.2020, he received an information that his sister had committed suicide by hanging in her in-laws house, thereby a complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the husband of the deceased. He would further submit that the marriage between the victim and the deceased took place on 02.07.2020 and they were having good relationship with each other. However, the victim was unable to cope up with the relatives of the petitioner, and there used to be frequent quarrel between them. While so, on 28.08.2020, when the petitioner was away, the victim committed suicide by hanging by leaving a note conveying apologies to the petitioner and she had also stated that she loves him and misses him and the only reason for committing suicide is she does not want to live in that house, other than that she has not stated anything about the demand of dowry. He would further submit that the petitioner was arrested and remanded to judicial custody on 02.10.2020 and he is inside for more than 45 days.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner is the husband of the deceased. The marriage between them took place on 02.07.2020 and since there was a demand of more dowry, the victim committed suicide. He would further submit that the RDO enquiry and the investigation is pending.

5.Heard the learned counsel on either side. Perused the materials placed on record including F.I.R and the note alleged to be left by the victim.

6.Taking into consideration the facts and submissions made by the learned counsel and also considering 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, Thiruvallur** 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 stay at Villupuram and report before the Villupuram Town Police Station everyday at 10.30 a.m., until further orders.

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

<https://hcservices.ecourts.gov.in/hcservices/>

(e) the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/11/2020

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,
THIRUVALLUR.

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,
MANAVALANAGAR POLICE STATION,
THIRUVALLUR DISTRICT.

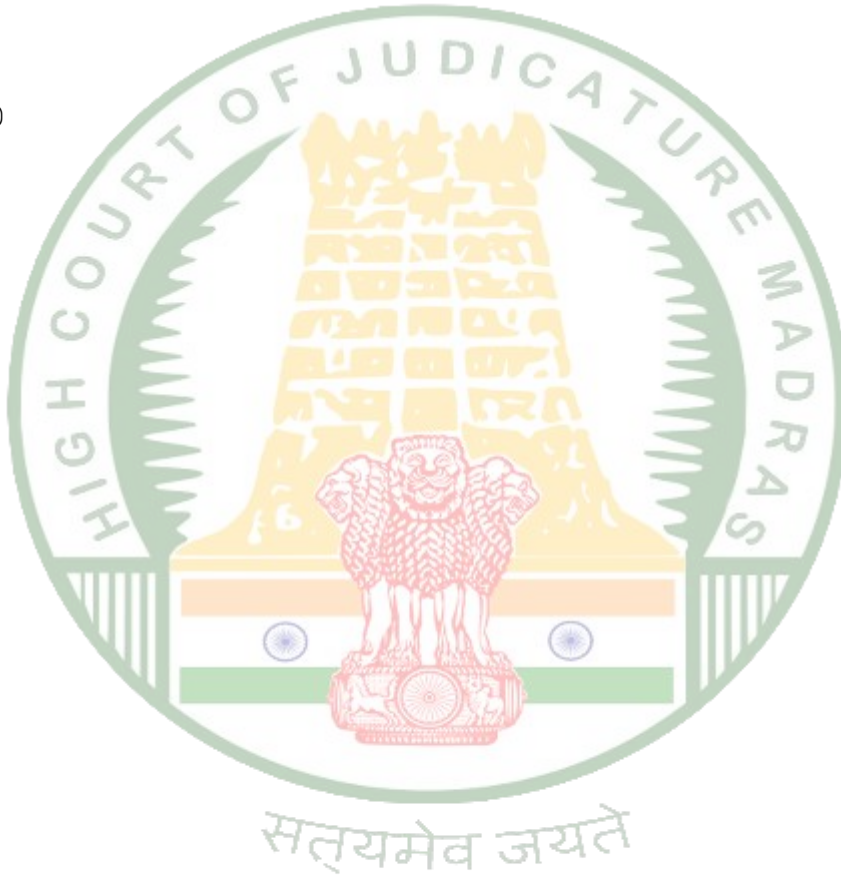
6 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary
charges 7684

CRL OP.17336/2020

Date :20/11/2020

MN-23/11/2020



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