

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

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

CRL.O.P.No.17445 of 2020

S.SURESH

... Petitioner

Vs.

State rep.by

Inspector of Police,

Maharajakadai Police Station,

Krishnagiri District

(Crime No.421 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.421 of 2020 on the file of the respondent police.

For Petitioner : Mr.Kanagendran

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.10.2020 for the offences punishable under Section 174(3) Cr.P.C. @ Section 306 of IPC, in Crime No.421 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution per the defacto complainant viz. Geetha is that her daughter was married to the petitioner four years back and they have no children. The further allegation is that the petitioner along with his family members harassed, tortured and also demanded dowry from her daughter, due to which, her daughter had committed suicide, hence a case was originally registered for the offence under Section 174(3) Cr.P.C. and later it was altered to Section 306 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the husband of the deceased and based on a false complaint, he has been roped in this case. He would further submit that the petitioner got married to the deceased four years back and that they have no children, due to which, the victim was

depressed and she had committed suicide due to the depression, whereas the defacto complainant who was agonized over the death of her daughter, gave a false complaint against the petitioner as if he had demanded dowry. He would further submit that RDO enquiry was also conducted and the same did not disclose any demand of dowry. He would further submit that the petitioner was arrested on 06.10.2020.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the husband of the deceased, he along with his family members harassed the victim and also demanded dowry, due to which, the victim committed suicide. However, he would further submit that the RDO enquiry does not suggest any demand of dowry.

5.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the fact that there was no demand of dowry, 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 Judicial Magistrate No-II, Krishnagiri, 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 report before the 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;

(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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
06/11/2020

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,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DIST.

CC to M/S.K.KANAGENDRAN Advocate on payment of necessary charges

CRL OP.17445/2020

Date :06/11/2020