

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17781 of 2020

M.Moorthi

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,  
Melapadi Police Station,  
Vellore District.

(Crime No.670 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.670 of 2020 pending on the file of the Inspector of Police, Melapadi Police Station, Vellore District.

For Petitioner : Mr.G.Vinodh Kumar

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

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O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under Section 174 @ into 306 of IPC in Crime No.670 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Dhanraj is that his daughter Nadhiya was married to the petitioner on 04.09.2019. Thereafter, there was some matrimonial dispute between them and that the petitioner without going to work, used to come home in an inebriated state and quarreled with the deceased. Due to which, on 31.08.2020, the daughter of the defacto complainant committed suicide by hanging. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. In fact the deceased was depressed by the fact that due to Covid, the petitioner couldn't go for any

work and thereby, she committed suicide. Even as per F.I.R. the allegation against the petitioner is that he had come home in an inebriated condition due to which, she committed suicide and that there is no demand of dowry. He would further submit that the petitioner was arrested on 02.09.2020 and he has been suffering incarceration for 70 days as on today. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the marriage between the petitioner and the daughter of the defacto complainant took place on 04.09.2019 and that the petitioner was drunkard and did not go to work. Thereby, there was a quarrel between the victim and the petitioner due to which, the victim committed suicide on 31.08.2020 by hanging. He would further submit that RDO enquiry is pending.

5. Heard the learned Counsels on either side and perused the materials placed on record.

6. Taking into consideration the facts and submissions made by the learned counsels and 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 Judicial Magistrate, Katpadi, 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 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.

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

-sd/-

10/11/2020

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,  
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
MELAPADI POLICE STATION,  
VELLORE DISTRICT.

+1CC to M/S. G.VINODH KUMAR Advocate on payment of  
necessary charges SR NO.7455

CRL OP.17781/2020

Date :10/11/2020

MK:11/11/2020

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