

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

CORAM :

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

CRL.O.P.No.17927 of 2020

Chinna

... Petitioner

Vs.

State Rep by
Inspector of Police,
Pothatturpet Police Station,
Thiruvallur.
(Crime No.1238 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1238 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

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 28.09.2020 for the offence punishable under Section 174(3) Cr.P.C., thereafter altered to Section 147, 498(A), 306 of IPC, in Crime No.1238 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Arumugam is that his youngest daughter Shilpa aged about 17 years, fell in love with the petitioner/A1, who belongs to Vanivilasapuram New Colony. Thereafter, their marriage was conducted with the consent of both families during the year 2019 and they were living together without any problem for a month. Later, the petitioner and his relatives have harassed the daughter of the defacto complainant, due to which, she used to come to the house of the defacto complainant. While so, on 30.07.2020, when the victim had gone to work from the house of the defacto complainant, the petitioner had stopped her and assaulted her, due to which, she came back to home and committed suicide by self-immolation. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the marriage between the petitioner/A1 and the victim was a love marriage. However, due to the drinking habits of the petitioner, there was a matrimonial dispute between the petitioner and the victim and thereby, the victim had gone to her father's house and stayed there. He would submit infact the petitioner had gone to the victim's father's house to request her to come and join him. Whereas, since, the petitioner was having drinking habit, the victim refused to join him and later she committed suicide by self immolation. Even as per the F.I.R., the defacto complainant has stated that the marriage between the petitioner and the victim was a love marriage and on coming to know about their love, their marriage was conducted with the consent of the parents of the both the petitioner and the victim. However, having lost her daughter, the defacto complainant has given such a false complaint against the petitioner and his family members and that the petitioner has been suffering incarceration for 53 days from 28.09.2020. He would further submit that the co-accused have been granted anticipatory bail by this Court in CrI.O.P.No.14354 of 2020. Hence, he prays for bail.

4. The learned Additional Public Prosecutor would submit that the defacto complainant's daughter/Shilpa married one Chinna/A1 during the year 2019 and it was a love marriage. Initially, they lived happily and thereafter, the in-laws of the victim used to harass her. Further, there used to be frequent quarrel between the deceased and her husband/A1 and thereby, the deceased had left the matrimonial home and was living with her father/defacto complainant herein. On 30.07.2020, when the victim was standing in the Bus stand to go to her work, the petitioner has assaulted her, due to which, she came back home and committed suicide by self-immolation. He would further submit that the investigation is pending and opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration suffered by the petitioner from 25.09.2020, 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 District Munsif cum Judicial Magistrate Court, Pallipet, 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 shall report before 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/11/2020

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 COURT,
PALLIPET, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, THIRUTTANI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
POTHATTURPET POLICE STATION,
THIRUVALLUR.

+1CC to M/S.R.VIVEKANANTHAN Advocate on payment of
necessary charges SR NO.7657

CRL OP.17927/2020

Date :19/11/2020

MK:20/11/2020