

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

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

CRL.O.P.No.18236 of 2020

Ranjithkumar

... Petitioner

Vs.

State by
The Inspector of Police,
Puzhal Police Station,
Tiruvallur District.
(Crime No.2687 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2687 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Arundattan

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 11.09.2020 for the offences punishable under **Section 174 Cr.P.C, and subsequently altered into Sections 498(A) and 304(B) IPC, in Crime No.2687 of 2020** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Mahadevan is that his daughter Bagyalakshmi was married to one Ranjithkumar, the petitioner herein on 19.01.2018 and that they have one male child born on 15.04.2019. While so, the petitioner / her husband used to suspect her fidelity and assaulted her and used to demand gold jewels and cash from her parents. The further allegation is that the petitioner along with the his mother assaulted his daughter and three months prior to the occurrence, the defacto complainant had gone to the house of his daughter and pacified his son in law. While so, on 11.09.2020, he called her over phone and later he received an information that she had killed her son and 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. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in respect of the petitioner. However, the mother of the petitioner was granted bail by this Court vide Crl.O.P.No.17091 of 2020 by order dated 02.11.2020. He would further submit that the marriage between the petitioner and the victim was a love marriage and both are belong to two different communities and it was also agreed by the defacto complainant in his complaint. He would submit that during the Covid pandemic period, the petitioner was not having any employment due to which, his wife / the victim, got depressed and committed suicide. Whereas, the defacto complainant/the mother of the victim for having lost her daughter has given a false complaint as if, the petitioner along with his mother had demanded dowry from the victim and also suspected the fidelity of his wife. He would further submit that the major part of investigation is over and the R.D.O. Report does not disclose any demand of dowry and that the petitioner has been suffering incarceration from 13.09.2020. 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 deceased was solemnized on 19.01.2018 and they had one male child. The petitioner along with his mother used to demand more dowry and also suspected her fidelity, due to which, the victim had committed suicide on 11.09.2020 after killing her one year old son. He would submit that the investigation is pending.

5. Heard the learned Counsels on either side. Perused the F.I.R.

6.Taking into consideration of the facts and submissions made by the learned counsels and the fact that the co-accused in this case has been granted bail by this Court and also considering the period of incarceration, 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) each, with two sureties each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Madavaram,** 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

(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 stands ordered.

-sd/-

08/12/2020

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, MADAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUZHAL POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. R.ARUNDATTAN Advocate on payment of necessary charges SR.NO.7988

CRL OP.18236/2020

Date :08/12/2020

TA-09/12/2020