

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18599 of 2020

Muthukumar

... Petitioner/1st Accused

Vs.

The Inspector of Police,
T-6, Avadi Police Station,
Chennai - 600 056.
(Crime No.1069 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1069 of 2020, on the file of the respondent police.

For Petitioner : Mr.K.M.Balaji

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.08.2020 for the offences punishable under Section 174 (iii) of Cr.P.C and subsequently altered into the offence under Sections 306 and 304 B of IPC, in Crime No.1069 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased/daughter of the defacto complainant viz., Vimala got married to the petitioner on 09.12.2018. After marriage, the deceased was living with the petitioner and her mother-in-law(A2) in joint family and out of their marriage, there was no issues. Whiles, the deceased was working in a private firm and hence, the petitioner and his mother ill-treated the deceased for not able to forbear a baby and forced her to resign her job for the reason to get the Provident Fund and other terminal benefits and to purchase articles of their choice and they had also demanded gold ring and dowry. The deceased was unable to bear the harassment and cruelty caused to her and had committed suicide within a period of seven years from marriage. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the deceased had committed suicide on her own since she could not forebear a child. He would contend that the accused persons have never demanded any dowry or caused any harassment to the deceased and they have not insisted her to resign her job. However, the defacto complainant, who is the father of the deceased, due to loss of her daughter, had lodged a complaint on impulsiveness against the petitioner. He would further submit that the petitioner was arrested on 29.08.2020 based on the complaint given by the defacto complainant and he is suffering incarceration for more than 85 days and that RDO report is yet to be received and that the charge sheet in all likelihood cannot be filed within the statutory period. He would also submit that the both the accused were arrested in this case and second accused was enlarged on bail by this Court in Crl.O.P.No.17600 of 2020, dated 10.11.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the deceased are husband and wife, they got married on 09.12.2018 and that the deceased was an employee and earning a sum of Rs.25,000/- per month. Whiles, the petitioner and his mother insisted the deceased to resign her job for getting Provident Fund and other terminal benefits and also demanded a gold ring and given torture to her. Thereby, unable to bear the torture given by the accused persons, the victim committed suicide by hanging herself. He would further submit that RDO enquiry is pending. Hence, he opposed to grant bail to the petitioner.

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

6.Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsel, considering the period of incarceration by the petitioner from 29.08.2020, 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 learned Judicial Magistrate No.II, Poonamallee 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 the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

(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.

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

-sd/-

24/11/2020

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

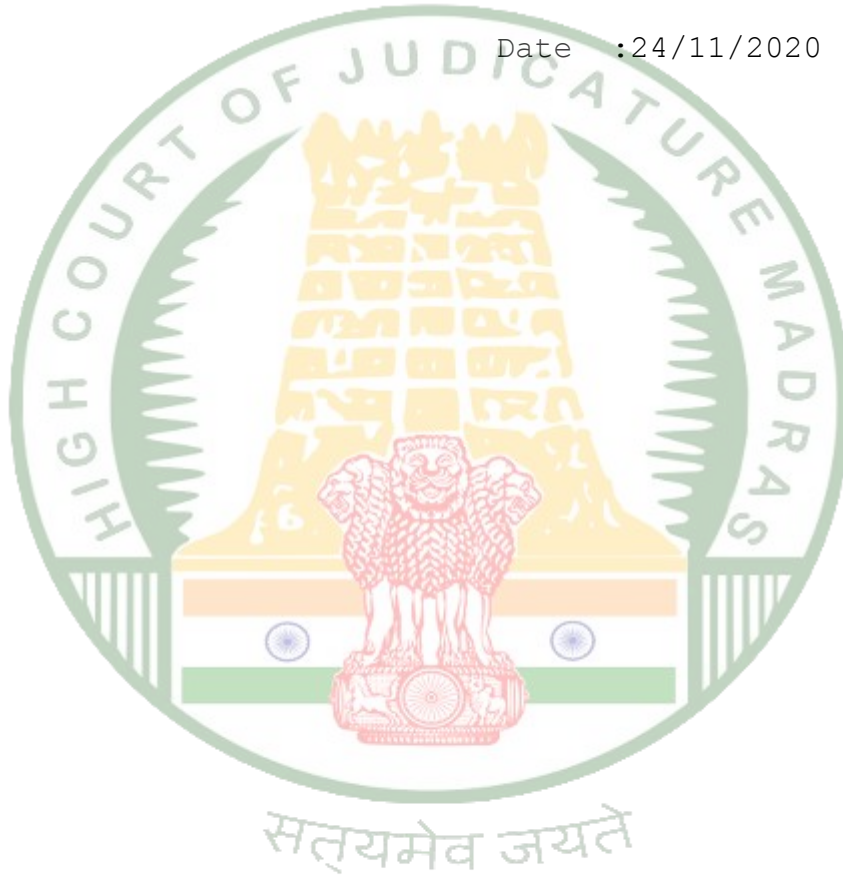
5 THE INSPECTOR OF POLICE
T-6 AVADI POLICE STATION,
CHENNAI-600 056.

+2 CC to M/S.V.RAVI KUMAR Advocate on payment of necessary charges
SR.No.7792

CRL OP.18599/2020

Date :24/11/2020

cs 27/11/2020



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