

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18929 of 2020

Saravanan

... Petitioner

Vs.

State Represented by
Inspector of Police,
Polur Police Station,
Thiruvannamalai District
(*) (Crime No.2979 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in connection with **(*) Crime No.2979 of 2020**, pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Swamidoss Manokaran

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

ORDER

(This case has been heard through video conference)

(*)The petitioner who was arrested and remanded to judicial custody on 25.10.2020 for the offences punishable under Section 498(A) and 306 of IPC in Crime No.2979 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim Kamatchi and the petitioner got married on 14.10.2020 and this is the second marriage for both of them. The further allegation is that the petitioner had demanded Rs.50,000/- from the deceased as dowry, due to which, she committed suicide by hanging.

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 working as a Maistry and leaves his house very early in the morning. On the fateful day, he was at his work spot, where he was informed that his wife had committed suicide. He would further submit that his wife / deceased was insisting for a separate bathroom, when the petitioner expressed his inability to provide separate bathroom, there was a dispute between them,

thereby, a false complaint has been given against the petitioner as if the petitioner had demanded dowry from his wife. He would further submit that the petitioner was not at all present in the scene of occurrence.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the complaint was lodged by the father of the deceased Kamatchi. The defacto complainant lodged a complaint stating that the petitioner was demanding Rs.50,000/- from him as dowry, when the defacto complainant could not arrange for a huge amount of Rs.50,000/- immediately, the petitioner started to torture and harass his daughter Kamatchi / deceased herein, due to which, she committed suicide by hanging in her matrimonial house. He would further submit that the defacto complainant had given a statement to the RDO regarding this and RDO also conducted enquiry and report is awaited. He would further submit that there was some scratch marks on the neck of the deceased.

5. Heard the learned counsel on either side. Perused the materials placed on record including F.I.R.

6. Taking into consideration the facts and submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner and on account of the fact that the petitioner was not present in the scene of occurrence, 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. Polur, 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 at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond during 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/-

02/12/2020

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.

(*) Being mentioned as per order of this court dated 09/12/2020

TO

1 THE JUDICIAL MAGISTRATE,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.S.SWAMIDOSS MANOKARAN Advocate on payment of necessary charges

CRL OP.18929/2020

Date : 02/12/2020