

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.19175 of 2020

Rohit Dayal Sukla

... Petitioner

Vs.

State of Tamilnadu

Rep. by Inspector of Police,
Kanchipuram Taluk Police Station,
Kancheepuram

(Crime No.2473 of 2020)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2473 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Sankar

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 06.11.2020 for the offence punishable under Section 174(3) of Cr.P.C and later, altered into one under Sections 498(A) and 306 of IPC, in Crime No.2473 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Pijush Anupam is that his elder sister Sakshi Adhithya was given in marriage to the petitioner on 15.12.2014. The further allegation is that his brother-in-law was working in Indian Overseas Bank as HR Manager and that they are natives of Bihar and earlier, his brother-in-law and sister were at Andhra Pradesh. During such time, his brother-in-law has continuously harassed her sexually and compelled her to consume liquor and thereby, there was matrimonial harassment. Thereafter, the accused was transferred to Tamil Nadu, after his

transfer, the accused and the victim settled at Kanchipuram and the petitioner/accused continued to harass the sister of *de facto* complainant, due to which, the victim committed suicide by hanging. Hence, the complaint. Originally, the case was registered under Section 174 Cr.P.C and thereafter, the case was altered into one under Section 498A and 306 of IPC.

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 submit that the petitioner and the victim are natives of Bihar and the petitioner was working at Andhra Pradesh and subsequently, the petitioner was transferred to Tamil Nadu and they were living at Kanchipuram and since the victim was unable to go back to her mother's house during Covid Pandemic, she was depressed and that she committed suicide by hanging. He would submit that even as per the *de facto* complainant, there is no allegation of demand of dowry. He would submit that the victim committed suicide by hanging and that they have got one child and the child is now in the custody of the parents of the petitioner. He would submit that the investigation is over.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is the husband of the victim and that they were resident of Bihar. He would submit that the petitioner had sexually harassed the victim and compelled her to consume liquor and due to the harassment, the victim committed suicide. He would submit that RDO enquiry is also pending in this case.

5. Heard the learned counsel on either side. Perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also 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 [one should be a blood surety] each for a like sum to the satisfaction of the Judicial Magistrate Court-II, Kancheepuram, 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 the 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 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/-

21/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE JAILER, DISTRICT JAIL,
CHENGALPATTU

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

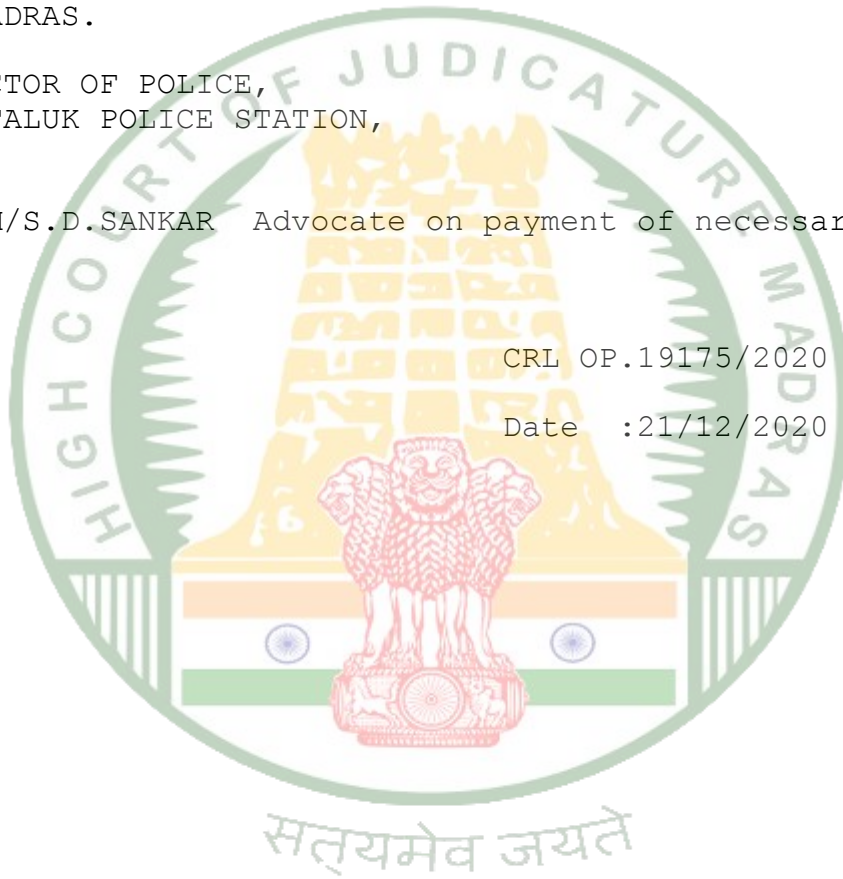
5 THE INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM

+3 CC to M/S.D.SANKAR Advocate on payment of necessary charges
SR.NO.8483

CRL OP.19175/2020

Date :21/12/2020

GKS:22/12/2020



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