

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.19849 of 2020

Raja

... Petitioner

Vs.

State rep. by:-

The Sub Inspector of Police,
Arakkonam Railway Police Station,
Arakkonam,
Ranipet District.
(Crime No.73 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.73 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.K.Nepolean

For Respondent : Mr.T.Shunmugarajeswaran
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 22.10.2020 for the offence punishable under Sections 174(3) of Cr.P.C., and subsequently altered into Section 498(A) and 306 of IPC, in Crime No.73 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Kishore Kumar, Railway Staff is that on 13.09.2020 had found a dead body of female, aged 30 years lying on the side of the track. Based on the complaint, a case was registered by the respondent police originally for the offence under Section 174 Cr.P.C. Thereafter, during the course of investigation, it came to light that the victim, due to the harassment by her husband, had committed suicide by jumping from the running train. Hence, the complaint.

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 was married to the deceased Sudha six months back and that the victim was having many health problems and also psychiatric problem, apart from that she was also having neurological problem, due to which, she was taking treatment from 09.12.2019 till the date of death and that suppressing the same, the deceased was given in marriage to the petitioner and that she was unable to be a good wife, out of depression, she committed suicide without the knowledge of the petitioner. He would submit that the medical reports filed along with the typed set of papers would go to show that she was continuously taking phenobarbitone medicine as overdose and she had earlier on 09.12.2019, even prior to the marriage, attempted to commit suicide by drinking phenobarbitone medicine as overdose and she was admitted in hospital and earlier she was given a stomach wash and she had also had one attack of fits on 21.02.2020 and she was also referred to psychiatric OP. He would submit that suppressing all the facts, the father of the victim had conducted the marriage and that due to ill health, she committed suicide and that there is absolutely no demand of dowry on the part of the petitioner. He would further submit that the petitioner is in custody from 22.10.2020 and hence, he prays to grant bail to the petitioner.

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. He would submit that though there is no demand of dowry, the petitioner used to put frequently quarrel with the victim and that few days prior to the occurrence, the petitioner had assaulted the victim and caused injuries to her, due to the harassment and mental agony, the victim committed suicide.

5. At this juncture, the learned counsel for the petitioner would submit that there is absolutely no material to show that the petitioner abetted the victim to commit suicide and that the victim was already having psychiatric problems.

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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Arakkonam, 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/-

22/12/2020

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

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

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, ARAKKONAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

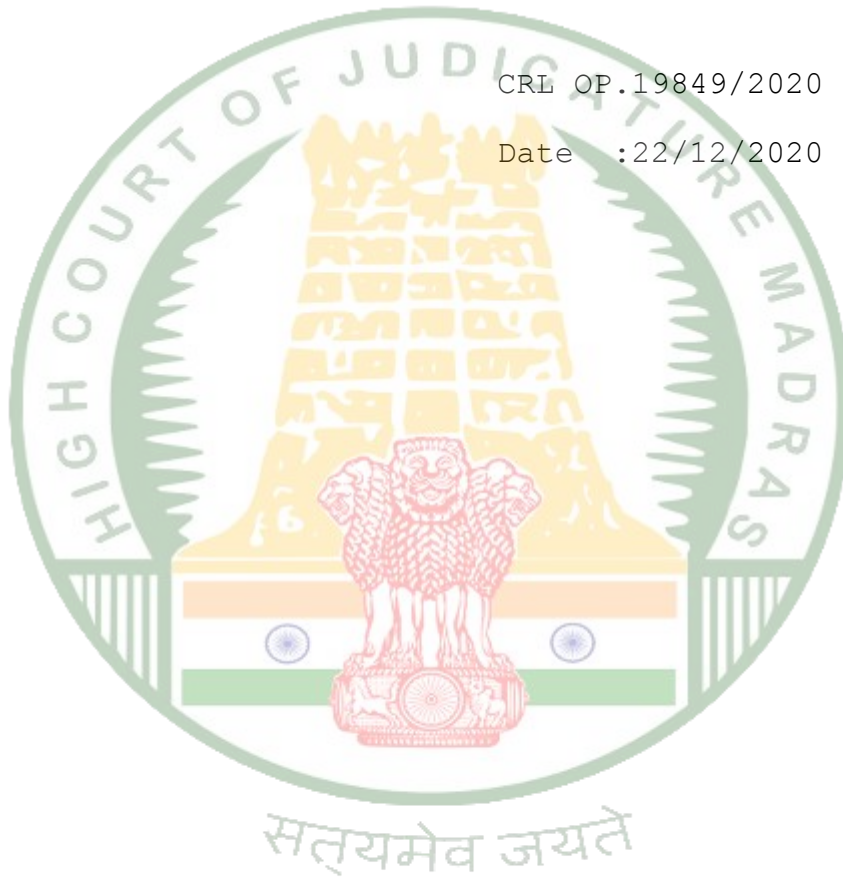
5 THE SUB INSPECTOR OF POLICE,
ARAKKONAM RAILWAY POLICE STATION,
ARAKKONAM, RANIPET.

+1 CC to M/S D.K.NEPOLEAN Advocate on payment of necessary
charges SR.No.8540

CRL OP.19849/2020

Date :22/12/2020

cs 23/12/2020



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