

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.Nos.20510 & 20527 of 2020

Elumalai ... Petitioner in Crl.O.P.No.20510/2020

Anbuselvan ... Petitioner in Crl.O.P.No.20527/2020

Vs.

The State Rep by Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
(Crime No.3049 of 2020)

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.3049 of 2020 on the file of the respondent police.

For Petitioners in
both Crl.O.Ps : Mr.E.Sathiyaraj

For Respondent in
both Crl.O.Ps : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

COMMON ORDER

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 09.11.2020 for the offence punishable under Sections 498(A), 306 of IPC, in Crime No.3049 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Rajasekaran is that his elder daughter Suguna fell in love with the first accused Anbuselvan and when it came to the knowledge of the defacto complainant and the parents of the first accused, they conducted Panchayat and their marriage was conducted seven years back and out of their wedlock, his daughter Suguna delivered two girls and a boy. Right from the date of marriage, the father-in-law and mother-in-law were against the love marriage and they had been harassing the deceased by demanding dowry and they took the custody of the children and driven her out from the matrimonial home. Thereafter, the defacto complainant took her back to the matrimonial home and left her at there. While so, on 09.11.2020 he received an information that her daughter committed suicide by self immolation. When the defacto complainant had gone to the hospital, her daughter had told him that she was done to death by the accused.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioner in Crl.O.P.No.20527 of 2020 is the husband of the deceased and the petitioner in Crl.O.P.No.20510 of 2020 is the father-in-law of the deceased. Admittedly, the marriage between the first accused and the defacto complainant's daughter was a love marriage and they were having a peaceful life and out of their 7 years of matrimony, they got three children, two girls and a boy. He would submit that during Covid period the first accused was not having proper job and thereby the victim was depressed and committed suicide fearing about the future of the family and the children and she also not left any suicide note and that there is absolutely no demand of dowry. He would submit that as stated earlier it is a case of love marriage between the first accused and the victim and the major part of investigation is over and that the petitioner has been suffering incarceration for more than 40 days from 09.11.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side), appearing for the respondent police would vehemently oppose stating that marriage between the first accused and the deceased was a love marriage and that the other accrued namely the parents of the first accused were antagonized with the daughter-in-law as she did not bring any dowry and had been continuously harassing her for several years due to which, she committed suicide by self immolation.

5. Heard the learned counsels and perused the F.I.R.

6.Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are 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, Kalasapakkam, Thiruvannamalai District, 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 petitioners on their release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, these Criminal Original Petitions are ordered.

-sd/-

22/12/2020

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 JUDICIAL MAGISTRATE,
KALASAPAKKAM, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+2 CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges SR.Nos.8570 & 8569

CRL.O.P.Nos.20510 & 20527 of 2020

Date :22/12/2020

RVR 23/12/2020

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