

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.20502 of 2020

Arokiya Prabakaran

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.1228 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.1228 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Rajmohan

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 02.11.2020 for the offence punishable under Sections 174(3) of Cr.P.C., @ 498(A), 306, 304(B) of IPC, in Crime No.1228 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Anthony Samy is that his daughter Carolinsirumalar was given marriage to the petitioner/Arokiya Prabakaran on 26.10.2015 and that they have a boy aged 3 years and a girl aged 5 months. The accused /son-in-law of the defacto complainant was running a sound service and used to demand dowry very often from his wife. Further, the petitioner was also addicted to liquor due to which, he sold the two wheeler given to him by the defacto complainant and also sold the household articles. Thereby, the daughter of the defacto complainant committed suicide by consuming poison.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the during Covid period

the petitioner was having no job and he was without any income. Thereby, the victim who was depressed had consumed poison and committed suicide. Whereas, the defacto complainant who was antagonized with the death of his daughter, has given a false complaint against the petitioner as if, he used to drink and commit cruelty on his daughter and also demanded additional dowry from the deceased. He would further submit that even as per the Post-mortem report there is no external injury and there is no harassment by the petitioner and that the victim committed suicide only due to depression. He would further submit that the petitioner has been suffering incarceration from 02.11.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is the son-in-law of the defacto complainant. The daughter of the defacto complainant was given marriage to the petitioner on 26.10.2015 and they have got two children, a boy aged 3 years and a girl aged 5 months. While so, the petitioner got addicted to liquor and sold the two wheeler given by the defacto complainant and used to demand additional dowry from the deceased due to which, the deceased committed suicide by consuming poison. He would further submit that RDO inquiry is pending and Viscera report is awaited.

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

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-II, Panruti, 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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PANRUTI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KADAMPULIYUR POLICE STATION, सत्यमेव जयते
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S.J.RAJMOHAN Advocate on payment of necessary charges

CRL OP.20502/2020

Date :22/12/2020

RVR 23/12/2020