

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.20438 of 2020

Pandiyan

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai.
(Crime No.2821 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2821 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Yasin

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 13.10.2020 for the offence punishable under Section 174 of Cr.P.C and later, altered into one under Sections 498(A) and 306 of IPC, in Crime No.2821 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Kasthuri is that her second daughter Parameshwari was given in marriage to the petitioner on 22.04.2015 and at the time of marriage, 20 sovereigns of jewels and two wheeler and other seervarisai items were given to the petitioner. The petitioner was happy with the victim only one year and thereafter, he started demanding additional dowry and money from the *de facto* complainant. While so, on 07.10.2020, the *de facto* complainant had received the information that her daughter 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 admittedly the marriage between the petitioner and the victim took place on 22.04.2015 and that they were living a peaceful life. It would be seen from the fact that they have got two children aged about 4 years and 1½ years. He would submit that during Covid Pandemic, the petitioner did not have any proper work and thereby, the victim was depressed and that she committed suicide by hanging, whereas, the de facto complainant was having lost her daughter, given a false complaint against the petitioner. He would submit that the victim committed suicide by hanging and that they have got two children and the children are now in the custody of the petitioner's parents. 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 marriage between the petitioner and the victim took place on 22.04.2015 and that for one year, they lived happily and thereafter, the petitioner demanded additional dowry and on account of demand of dowry, the victim committed suicide by hanging on 07.10.2020. He would submit that originally the case was registered for the offence under Section 174 Cr.P.C and during the investigation, it was altered to one under Sections 498(A) and 306 IPC. 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, Polur, Tiruvannamalai 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 petitioner, on his release from the prison, shall stay at Vellore and report before the Sathuvachari Police station everyday at 10.30.a.m until further orders;

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

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

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

TO

1 THE JUDICIAL MAGISTRATE,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
TIRUVANNAMALAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE OFFICER INCHARGE
SATHUVACHARI POLICE STATION,
VELLORE.

CC to Mr.M.Mohamed Yasin, Advocate on payment of necessary charges

CRL OP.20438/2020

Date :21/12/2020