



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/11/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13279 of 2020

Govindaraj

... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No. 1387 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.Kandasamy,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

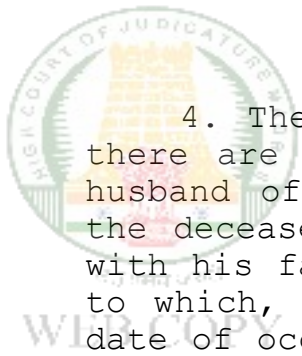
PRAYER :- For Bail in Crime No.1387 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 27.09.2020 for the offences punishable under Sections 173(3) Cr.P.C @ 306, 498, 304 (B) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused got married to the deceased in the year 2017. Thereafter, the first accused along with his family members, harassed the deceased by demanding additional dowry. Due to which, the first pregnancy of the deceased was aborted. On the date of occurrence, again she got pregnancy of seven months. Due to the harassment of the petitioner and his family members, the deceased committed suicide by hanging herself in the matrimonial home and died on 14.08.2020. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is in custody from 27.09.2020. He further submitted that the other accused persons were already released on bail and hence, he prayed for bail to the



4. The learned Government Advocate(Crl.Side) would submit that there are totally 4 accused persons. The petitioner herein is the husband of the deceased. The petitioner/first accused got married the deceased in the year 2017. Thereafter, the first accused along with his family members, harassed the deceased for huge dowry. Due to which, the first pregnancy of the deceased was aborted. On the date of occurrence, again she got pregnancy of seven months. Due to the harassment of the petitioner and his family members, the deceased committed suicide by hanging herself in the matrimonial home and died on 14.08.2020.

5. It is seen that there are four accused in which, the petitioner is arrayed as first accused. The petitioner got married the deceased in the year 2017 and due to their wed-lock, the deceased got pregnancy. Only because of the dowry demand and harassment made by the petitioner and his family members, her pregnancy was aborted. The petitioner and his family members harassed her continuously by demanding additional dowry. Due to intolerate harassment made by the petitioner and his family members, on 14.08.2020, the deceased committed suicide by hanging herself in the matrimonial home. Though initially, the case was registered under Section 173(3) Cr.P.C, then altered into offences under Sections 306, 498, 304 (B) of IPC. The petitioner was arrested and remanded to judicial custody on 27.09.2020. Insofar as the other accused persons are concerned, they were arrested and released on bail.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Cum District Munsif, Orathanadu, Thanjavur District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent Police, daily Morning at 10.30 am and Evening at 05.30 p.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.



v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF,
ORATHANADU, THANJAVUR DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION, THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
CENTRAL PRISION, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13279 of 2020
Date :23/11/2020

DSS
JM/VR/SAR II/23.11.2020/3P/6C