



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

Date : 11/12/2020

PRESENT

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

CRL OP(MD). No.14605 of 2020

Prakashkumar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vangal Police Station,
Karur.

Ref Crime No.527 of 2020

... Respondent/Complainant

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.P.Samuel Gunasingh,
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. 527/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.11.2020 for the offences punishable under Section 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the deceased was married to the first accused on 04.09.2019 and during marriage they were presented with 20 sovereigns of gold jewels and also household articles worth about Rs.4.85 lakhs. Thereafter there was demand of huge dowry from the petitioner's family. On the date of occurrence the defacto complainant /father of the deceased received a phone call from the house of the deceased and heard that there was a quarrel between the husband and wife. Again the deceased called him at about 11.05 hrs and thereafter at about 2.50 hrs he heard that her daughter committed suicide by hanging. Initially case was registered under Section 174 Cr.P.C and later @ 306 of IPC.



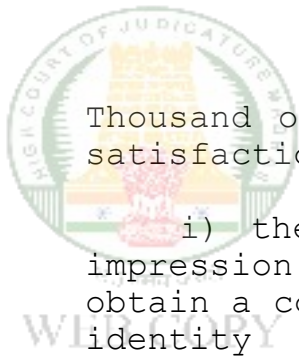
3.The learned counsel for the petitioner would submit that there are two accused in this case and the petitioner herein is arrayed as A1. The petitioner herein is the husband of the deceased and got married with the deceased on 04.09.2019 and living happily and thereafter there was a quarrel between them in respect of cruelty and other demand of dowry. Due to flimsy reasons there was quarrel between them on 20.11.2019 and thereafter through the petitioner's phone he called the defacto complainant and due to that there was a quarrel between them and thereafter he went to office. Thereafter he was informed that the deceased committed suicide and she was immediately taken to hospital and declared dead. Therefore the petitioner never instigated or abetted the deceased to commit suicide since the marriage took place on 21.09.2020. He would also submit that the petitioner was arrested and remanded to judicial custody on 27.11.2020 and still in judicial custody. He would also submit that A2 mother of the deceased was granted anticipatory bail by this Court, hence he may be granted bail

4. The learned Government Advocate(Crl.Side) would submit that deceased was married to the first accused on 04.09.2019 and during marriage they were presented with 20 sovereigns of gold jewels and also household articles worth about Rs.4.85 lakhs. Thereafter there was demand of huge dowry from the petitioner's family. On the date of occurrence the defacto complainant /father of the deceased received a phone call from the house of the deceased and heard that there was a quarrel between the husband and wife. Again the deceased called him at about 11.05 hrs and thereafter he heard at about 2.50 hrs she committed suicide by hanging

5. It is seen that there are two accused in this case and the petitioner herein is arrayed as A1. The deceased got married with the first accused on 04.09.2019 and there was a quarrel between them. On the date of occurrence i.e., on 21.11.2020 the petitioner called his father-in-law over phone and informed that there was a quarrel between them and thereafter at about 11.05 again the deceased call her again and told them about them about the quarrel between them. When the petitioner visited the house for lunch he found the deceased hanging herself and immediately he had taken the deceased to the hospital and she was declared dead. Though the deceased committed suicide in the matrimonial hone the petitioner was not present in the home at the time of suicide.

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 <https://hcservices.hcservices.gov.in/hcservices> 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 No.II, Karur

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 at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

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/-
11/12/2020

/ TRUE COPY /

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

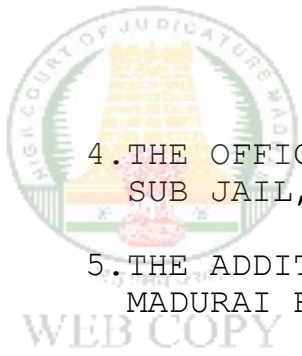
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO II, KARUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3.THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR.



4.THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI, KARUR.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14605 of 2020
Date :11/12/2020

AAV
TK/PN/SAR.4/11.12.2020/4P/6C