

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.316 of 2021

S.Jeeva

... Petitioner

Vs.

State Rep by its
Station House Officer,
Mantharakuppam Police Station,
Cuddalore District.
(Crime No.805 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.805 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.A.Arasu Ganeshan

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.11.2020 for the alleged offence under Section 174(3) Cr.P.C and later, it was altered into one under Sections 304(B) & 498(A) of IPC in Crime No.805 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that the deceased is the wife of the petitioner and that the marriage between the petitioner and the deceased took place in the year 2014 and they blessed with two children. The allegation against the petitioner is that two years prior to the occurrence, the petitioner demanded a sum of Rs.2,00,000/- as dowry for purchasing lorry and hence, the deceased left the matrimonial house and she was residing in the parental house. Thereafter, the mother of the petitioner pacified her and took her back to the matrimonial home. On 21.12.2020, due to quarrel, the victim committed suicide by hanging. Based on the complaint given by the father of the deceased, originally, the case was registered for the offence under Section 174(3) Cr.P.C and later, during the course of investigation, it came to light that the petitioner

demanded dowry from the deceased, due to which, she committed suicide by hanging. Hence, the case was altered into one under Sections 304(B) & 498(A) 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 the marriage between the petitioner and the deceased took place in the year 2004 and after 7 years of marriage, the occurrence had taken place and due to family dispute, the wife of the petitioner committed suicide. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner, being the husband of the deceased, demanded a sum of Rs.2,00,000/- as dowry from the deceased for purchasing lorry and hence, she left the matrimonial house and she was living in the parental home and after mediation, she joined the petitioner and again on 21.12.2020 there was a quarrel between the petitioner and the deceased, due to which, she committed suicide by hanging.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the fact that due to family quarrel, the victim committed suicide 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 District Munsif-cum-Judicial Magistrate, Neyveli, Cuddalore 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 prison, shall report before the respondent police as and when required for interrogation;

(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/-
11/01/2021

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
NEYVELI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
MANTHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.A.ARASU GANESHAN Advocate on payment of necessary charges

CRL OP.316/2021

Date :11/01/2021