

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.926 of 2021

Waliullah

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vellore South Police Station,
Vellore District.
(Crime No.1819 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.1819 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. C.S.Saravanan

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner was arrested and remanded to judicial custody on 10.11.2020 for the offence punishable under Sections 306, 498(A) IPC in Crime No.1819 of 2020, seeks bail.

2. The petitioner is the sole accused and the deceased is the wife of the petitioner. The case of the prosecution is that the deceased is a widow and the petitioner is also a married person. The petitioner married the deceased in the year 2019 and thereafter, the petitioner lived along with the first wife and second wife. Right from the date of marriage, the petitioner is said to have harassed the deceased and not allowed to talk to her parents and hence, she committed suicide by pouring kerosene and set fire on her. Hence, a case has been registered against the petitioner and others.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has

not commit any offence as alleged by the prosecution. He would further submit that even as per the First Information Report, there is no specific allegation of dowry against the petitioner and Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioner harassed the deceased and also beaten her, she committed suicide. Now, RDO enquiry completed and report yet to be received. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case, and also the fact that there is no allegation of dowry demand, 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 No.I, Vellore 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 shall report before the respondent police daily 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 petitioners 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.

6. With the above directions, the Criminal Original Petition is ordered.

-sd/-
25/01/2021

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 JUDICIAL MAGISTRATE NO.I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE SOUTH POLICE STATION,
VELLORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.926/2021

Date :25/01/2021

TA-27/01/2021

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