

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1124 of 2021

E. Krishnan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kannankurichi Police Station,
Salem.
(Crime No.952 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.952 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. A.Mohamed Ismail

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 09.12.2020 for the offence punishable under Section 306 IPC in Crime No.952 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the marriage between the petitioner and the defacto complainant took place in the year 2018. Since the petitioner is alleged to have harassed the deceased, she committed suicide on 23.08.2020. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and there is no allegation of demand of dowry as against the petitioner. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was frequent quarrel between the husband and wife, due to which, the deceased committed suicide. She would further submit that now, RDO enquiry has also been completed and there is no allegation of demand of dowry as against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that there is no allegation of demand of dowry as against the petitioner in the RDO report 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 Judicial Magistrate-4, Salem, 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 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.

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

-sd/-
27/01/2021

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.4,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM DISTRICT.

+1CC to M/S.A.MOHAMED ISMAIL Advocate on payment of
necessary charges SR NO.871

CRL OP.1124/2021

Date :27/01/2021

MK:29/01/2021

WEB COPY