

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1589 of 2021

S. Mohan @ Mohankumar

... Petitioner

Vs.

The State Rep. by

The Assistant Commissioner of Police,
J3, Guindy Police Station,
Chennai.

(Crime No.1015 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.1015 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. R.Rajan

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 19.12.2020 for the offence punishable under Section 304-B IPC in Crime No.1015 of 2020, seeks bail.

2. Totally, there are four accused and the petitioner is A1. The case of the prosecution is that the petitioner is the husband of the deceased and their marriage took place in the year 2017. The allegation is that the petitioner along with other accused said to have harassed the deceased by demanding dowry and hence, she committed suicide by hanging. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that he is no way connected with the offence. Co-accused in this case has already been released on bail and he is in jail for more than 50 days. and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioner and other accused harassed the deceased by demanding dowry , the deceased had committed suicide. She would further submitted that RDO enquiry has been completed. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that RDO enquiry has been completed and co-accused in this case has already been released on bail 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 IX Metropolitan Magistrate, Saidapet, Chennai 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 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/-
03/02/2021

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT COMMISSIONER OF POLICE,
J3, GUINDY POLICE STATION,
CHENNAI.

CC to M/S R.RAJAN Advocate on payment of necessary charges

CRL OP.1589/2021

Date :03/02/2021

MK:05/02/2021

WEB COPY