

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2493 of 2021

Vignesh

... Petitioner

Vs.

State by

The Inspector of Police,
SIPCOT Police Station,
Krishnagiri Dt.

(Crime No.601 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.601 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Thirumoorthy

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 19.01.2021 for the offence punishable under Sections 174(3) of Cr.P.C. @ 306 of I.P.C. in Crime No.601 of 2020 on the file of respondent, seeks bail.

2. The case of the prosecution is that the deceased is wife of petitioner. The allegation is that the marriage between the petitioner and the deceased took place in the year 2018 and they have also got a child. Right from the marriage, the petitioner had harassed the deceased and also demanded dowry. Hence, she has left the matrimonial home and went to her parents house. Subsequently, she was taken to the petitioner's house. As she is unable to bear the harassment of the petitioner, the deceased said to have committed suicide by hanging. Hence, originally, the criminal case was registered under Section 174(3) of Cr.P.C. and after investigation, it was altered to Section 306 of I.P.C. and he was arrested and remanded to judicial custody on 19.01.2021. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that there is no allegation of dowry demand against the petitioner. He would submit that the deceased has frequently quarreled with the petitioner and he has not harassed him. He would submit that he has only bring her to his house and subsequently, she has committed suicide. He would also submit that the Revenue Divisional Officer's enquiry report clearly shows that there is no dowry demand made by the petitioner. He would submit that he has been falsely implicated as accused in this case and he was in judicial custody for more than one month. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the petitioner is having illegal intimacy with another lady, which was condemned by the deceased, despite the same, he has not changed his attitude and he has also harassed the deceased. Hence, she has committed suicide. Hence, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, there is no allegation of dowry demand, and also considering the period of incarceration suffered by the petitioner from 19.01.2021, 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.II, Hosur 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 daily at 10.30 a.m. for the period of four weeks;

(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/-
12/02/2021

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 JUDICIAL MAGISTRATE NO.II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT

+1CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR NO.1490

CRL OP.2493/2021

Date :12/02/2021