

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3137 of 2021

Murugan

... Petitioner

Vs.

State Rep. by
The Deputy Superintendent of Police,
Kuthalam Police Station,
Nagapattinam District.
(Crime No.227 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.227 of 2019 on the file of respondent police.

For Petitioner : Mr.B.Ramar

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

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 07.12.2020 for the offence punishable under Sections 174(3) of Cr.P.C. and 498(A), 304(B) of I.P.C. in Crime No.227 of 2019, seeks bail.

2. The case of the prosecution is that the deceased is the wife of defacto complainant. The marriage took place in the year June 2018 and they have also got a female child. Thereafter, the petitioner said to have harassed the deceased demanding dowry and harassed her. Hence, she has committed suicide by hanging. Hence, a criminal case was registered against the petitioner under Section 174 (3) of Cr.P.C. and subsequently, it was altered to Section 304(B) and 498(A) of I.P.C. Accordingly, the petitioner was arrested and remanded to judicial custody on 07.12.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that it is a second marriage for the deceased. He would submit that after the death of her first husband, she has got married to the petitioner. She was mentally depressed, due to which, she has committed suicide. He would also submit that the petitioner has not demanded any dowry from the deceased. He would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. He would submit that he was in jail from 17.12.2020. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that right from the marriage, the petitioner harassing the petitioner demanding dowry. In the said circumstances, she has committed suicide and the investigation is also over. She would also submit that after the death of first husband, the deceased has married the petitioner. She would submit that the enquiry report filed by the Revenue Divisional Officer clearly reveals that it is a case of dowry demand. She would further submit that there is no previous case pending against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into the consideration of facts and circumstances, and also considering the fact that the investigation is almost over, at this stage, the custodial interrogation of the petitioner is not required and the petitioner is in judicial custody for more than two months, 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-I, Mayiladuthurai, 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 10.30a.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/-

18/02/2021

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.I, MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
KUTHALAM POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, NAGAPATTINA

CC to M/S.B.RAMAR Advocate on payment of necessary charges
SR.NO.1848

सत्यमेव जयते CRL OP.3137/2021

Date :18/02/2021

RVR 19/02/2021

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