

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6351 of 2021

Vijayan

... Petitioner

Vs.

The State Rep. by
The Station House Officer,
Periyathatchur Police Station.
(Crime No.1213 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.1213 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Prakash

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

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 09.03.2021 for the offence punishable under Sections 174(3) of Cr.P.C. @ 306 of I.P.C., in Crime No.1213 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of deceased and the marriage took place on 11.12.2019. Thereafter, all the accused said to have harassed the deceased demanding dowry. Hence, she has committed suicide by consuming poison. Based on the complaint given by her parents, a criminal case was registered against the petitioner under Section 174 (3) of Cr.P.C. and subsequently, it was altered to Section 306 of I.P.C. Accordingly, the petitioner was arrested and remanded to judicial custody on 09.03.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that it is a family dispute between husband and wife and absolutely, there is no dowry harassment. The inquiry report of Revenue Divisional Officer would also clearly reveals that there is no dowry harassment. Now, all the arrested co-accused are released on bail and the petitioner is in jail from 09.03.2021. He would submit that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would strongly oppose this petition on the ground that all the accused have harassed the deceased demanding dowry and due to the harassment, she has consumed poison and committed suicide. Now, the investigation is almost completed and the arrested co-accused are released on bail. However, she opposed to grant bail to the petitioner.

5. On perusal of records including the inquiry report submitted by Revenue Divisional Officer, would clearly shows that the death was not due to dowry harassment. Hence, taking into consideration of the fact that all the other arrested accused are released on bail, now the investigation is almost completed, and also considering the period of incarceration suffered by the petitioner from 09.03.2021, 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 his executing 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.2, Tindivanam, 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. 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/-
31/03/2021

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.2,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
PERIYATHATCHUR POLICE STATION.

+1CC to M/S.M.PRAKASH Advocate on payment of necessary charges SR NO.4302

CRL OP.6351/2021

Date :31/03/2021

MK:01/04/2021