



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.16968 of 2021

S. Promoth Kumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Selaiyur Police Station,
St.Thomas Mount District,
Chennai - 600 073
Crime No.469 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.469 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Thankira

For Respondent : Mr.A. Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested on 07.08.2021 and remanded to judicial custody for the offences under Section 174(3) of Cr.P.C altered to Section 306 of I.P.C,1860 in Crime No.469 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the deceased. It is alleged that the petitioner and his family members harassed the deceased and demanded more dowry from her, due to which the deceased committed suicide. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in



jail from 07.08.2021 . Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. He further submits that this Court had already granted anticipatory bail to the co-accused in Crl.O.P.No.15118 of 2021 dated 24.08.2021. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and the this Court had already granted anticipatory bail to the co-accused in Crl.O.P.No.15118 of 2021 dated 24.08.2021 and also taking note of the period of incarceration suffered by the petitioner and the petitioner has to take care of his parents, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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.1, Tambaram, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/09/2021

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.1, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
ST.THOMAS MOUNT DISTRICT,
CHENNAI - 600 073.

4 THE OFFICER INCHARGE
SUB JAIL, KANCHIPURAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.THANKIRA Advocate on payment of necessary charges
SR.No.10133

CRL OP.16968/2021

Date :16/09/2021

APN 17/09/2021