

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20887 of 2020

Manikandan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram
Kanchipuram District.
(Crime No.2555 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.2555 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. A.Saranraj

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 30.11.2020 for the offence punishable under Sections 498(A) and 306 IPC in Crime No.2555 of 2020 and seeks bail.

2. Totally there are 3 accused and the petitioner is A1. The case of the prosecution is that the marriage between the petitioner and the deceased took place in the year 2019. Subsequently, all the accused harassed the deceased by demanding dowry, due to which, the deceased said to have committed suicide by hanging. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that due to some domestic issue between the husband and wife, the deceased has committed suicide and there is no dowry allegation as against the petitioner in the RDO report itself. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to wordy quarrel, the deceased said to have committed suicide. Now RDO enquiry has also been completed and there is no allegation of dowry demand as against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that there is no allegation of demand of dowry as against the petitioner in the RDO Report 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 Judicial Magistrate No-II, Kanchipuram, 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. for a period of two weeks and thereafter, as and when required for interrogation.

(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/-
27/01/2021

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, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3 KANCHI TALUK POLICE STATION,
KANCHIPURAM,
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAR

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges SR.NO.888

CRL OP.20887/2020

Date :27/01/2021

TA-29/01/2021

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