

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.21044 of 2020

V.Vinoth

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.1222 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.1222 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. A.Arasu Ganeshan

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner is the sole accused. The petitioner was arrested and remanded to judicial custody on 29.10.2020 for the offence punishable under Sections 498(A), 304(B) and 306 IPC in Crime No.1222 of 2020 and seeks bail.

2. The case of the prosecution is that the marriage between the petitioner and the deceased took place on 05.02.2020. Since the petitioner harassed the deceased by demanding dowry, the deceased left the matrimonial house and was residing in her parental house. While so, on 11.09.2020, the deceased committed suicide by consuming poison. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that investigation is almost completed and the petitioner is no way connected with the offence as alleged by the prosecution. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that now investigation is almost completed and RDO enquiry over and report has also been submitted. However, she opposed to grant bail.

5. Considering the said facts and circumstances and the fact that the deceased committed suicide at her parental house and also the fact that investigation is almost over 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, Panruti, Cuddalore District, 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/-
18/01/2021

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, PANRUTI,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.A.ARASU GANESHAN Advocate on payment of necessary charges

WEB COPY

CRL OP.21044/2020

Date :18/01/2021

cs 19/01/2021