



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24480 of 2021

Sivasankar

... Petitioner

Vs.

State represented by
Inspector of Police
Marakkanam Police Station
Crime No.398 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No.398 of 2021 pending on file of the Inspector of Police, Marakkanam Police, Villupuram District.

For Petitioner : M/S.V.L.Nehru

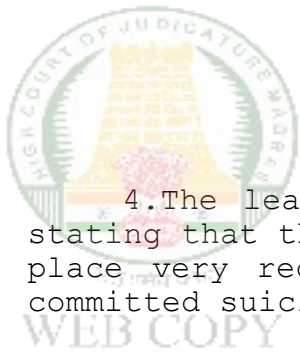
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offence under Sections 498(A) r/w Section 4 of TNWH Act @ 304 (B) of IPC, in Crime No.398 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with his family members harassed the deceased by demanding dowry and due to which, the deceased committed suicide by hanging. Hence the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the suicide committed by the deceased at her parents' house and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for about 28 days from 26.11.2021. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the marriage between the deceased and the petitioner took place very recently and due to some misunderstanding, the deceased committed suicide.

5. By way of reply, the learned Counsel for the petitioner produced lot of photographs and submitted that the deceased had developed love affair with one Kamalraj before the marriage and after the marriage, the said Kamalraj sent so many photographs to the petitioner which were taken while they both were in compromise position and after seeing the same, quarrel arose between the petitioner and the deceased.

6. This Court is able to understand that just because of the photographs sent by the said D.Kamalraj, trouble arose between the petitioner and the deceased and therefore, the said D.Kamalraj S/o.Dhanasekar, No.13, Chinna Kalapattu, Puthu Nagar, Pondychery, is the main cause for the suicide committed by the deceased. Hence, the Investigating Agency is directed to conduct enquiry in that aspect and that the petitioner is directed produce the cell phone along with the photographs to the Investigating Agency.

7. Considering the above facts and circumstances of the case and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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-II, Tindivanam and on further conditions 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 05.00 p.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/-
23/12/2021

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, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MARAKKANAM POLICE STATION,

4 THE OFFICER INCHARGE
SUB JAIL, TINDIVANAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.L.NEHRU Advocate on payment of necessary charges
SR.NO.24480

CRL OP.24480/2021

Date :23/12/2021

JPA 23/12/2021