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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Cr1.O.P.No.25167 of 2021

Manikandan

.. Petitioner

Vs.

State represented by
The Inspector of Police
Anaicut Police Station
Chengalpattu District
(Crime No.257 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to release the petitioner on bail pending investigation in Cr.No.257 of 2021 on the file of the respondent.

For Petitioners : M/s.G.Mageshkumar

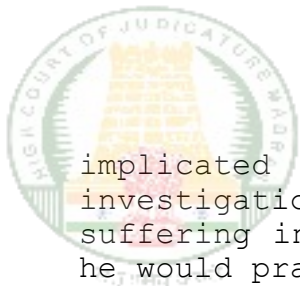
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.10.2021 for the offences under Sections 498-A, 304B, 506(i) IPC r/w. Section 4 of Dowry Prohibition Act altered from Section 174 (3) Cr.P.C in Cr.No.257 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner is the husband of the deceased and he had married the deceased on 03.06.2020. After marriage, the petitioner along with other accused abused and committed cruelty on the deceased due to which, she committed suicide by hanging. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that after the marriage, there was some misunderstanding and quarrel between the petitioner and the deceased with regard to educational qualification as the deceased had higher educational qualification than the petitioner and that the petitioner is no way connection with the suicide committed by the petitioner and he has been falsely



implicated in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 55 days from 24.10.2021. Hence, he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection but admits that the RDO enquiry has been completed and as per the report, there is no dowry harassment.

5. Considering the fact that the RDO enquiry has been completed and as per the prima facie report, the reason for death is not due to dowry harassment and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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, Cheyyur*, 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 on every Saturday 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.

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-sd/-
22/12/2021

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,
CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANAICUT POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary
charges SR.NO.15313

CRL OP.25167/2021

Date :22/12/2021

CSK 22/12/2021