



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4121 of 2021

Rajapandi ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.100 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.100 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 03.03.2021 for the offences punishable under Sections 174(3) of cr.P.C @ 498(A) and 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the marriage between the petitioner and the deceased was solemnized in the year 2019 and it was not accepted by both the families and out of their marriage they were blessed with a female child and after few month the petitioner started harassing the deceased demanding more dowry due to the said harassment she committed suicide by hanging. Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that on the date of occurrence the petitioner was not in his house and he went to play and he never instigated the deceased to commit suicide,hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that both the petitioner and the deceased belonged to different community and they got married against the wishes of their parents. After marriage the petitioner started harassing the deceased demanding more dowry, due to which she committed suicide by hanging. He has also submitted that as per the RDO enquiry there is no allegation of dowry demand.

5. It is seen that the marriage between the petitioner and the deceased was solemnized in the year 2019 and it was not accepted by both the families and they were living separately. Out of their marriage they were blessed with a female child aged about 1 ½ years. Thereafter petitioner here in is not taking care of the family and there was frequent quarrel between them, due to which she committed suicide. Admittedly on the date of occurrence the petitioner was not present in the scene of occurrence and he had gone to play cricket and he never returned home till the information that his wife committed suicide and died informed. Further in the RDO report there is no dowry demand.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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.II, Sivakasi.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) 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.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/03/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, SUB JAIL,
ARUPPUKOTTAI.
4. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2246[I] dated
18/03/2021)

ORDER
IN
CRL OP(MD) No.4121 of 2021
Date :18/03/2021

AAV
MS/PN/SAR-4/18.03.2021/3P.7C