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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13923 of 2022

M.Kannan

..Petitioner

Vs.

The State rep. By  
Inspector of Police,  
Kundrathur Police Station,  
Kanchipuram  
Crime No.255 of 2022.

..Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.255 of 2022 pending investigation on the file of the respondent police.

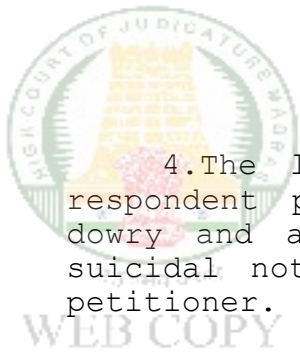
|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.I.M.Siddartha Ramarajan                      |
| For Respondent | : Mr.A.Damodaran,<br>Additional Public Prosecutor |

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 04.05.2022 for the offence punishable under Section 306 of IPC in crime No.255 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner abetted his wife to commit suicide while she was in her father's house by demanding dowry. Thereafter, she committed suicide on 02.04.2022. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was not present at the scene of occurrence and the deceased committed suicide in her parent's house. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner demanded huge dowry and as such, she committed suicide and she also left the suicidal note. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner and the deceased fell in love and eloped to Tirupur and got married with the support of the petitioner's relatives. Thereafter, the deceased went to her parent's house and committed suicide by hanging herself on 02.04.2022. Whereas the petitioner was arrested only on 04.05.2022. The suicidal note revealed the reason for her suicide as the petitioner demanded huge dowry. Admittedly, the petitioner was not present at the time of occurrence and he was present at Tirupur. The deceased went to her parents' house and committed suicide by hanging herself. According to the case of the prosecution, suicide note was recovered on the date of occurrence. Even then, the respondent arrested the petitioner after period of 31 days. That apart, soon before her death, there is no evidence to show that the petitioner instigated the deceased to commit suicide.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 04.05.2022, this Court is inclined to grant bail to the petitioner. 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, Sriperumbudur 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 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

16/06/2022

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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, SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KUNDRATHUR POLICE STATION,  
KANCHIPURAM DISTRICT.

5 THE OFFICER INCHARGE  
SUB JAIL, KANCHEEPURAM.

+2 CC to M/S.I.M.SIDDARTHA RAMARAJAN Advocate on payment of  
necessary charges SR.NO.9277

CRL OP.13923/2022

Date :16/06/2022

TA-17/06/2022