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CrI.OP.No.15590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

CrI.OP.No.17966 of 2022

Silambarasan

... Petitioner

Vs.

The State rep by
The Station House Officer,
Thirukanur Police Station,
Puducherry – 605 501.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.70 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Prasanna

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Sections 174(3) @ 304(B) r/w Section 34 of IPC in Crime No.70 of 2022, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner got married the deceased on 17.05.2021 and during the marriage, there was a demand of 40 sovereign of jewels and Rs.1,50,000/- cash to purchase two wheelers. After presenting the said demand against the petitioner and his family member demanded the deceased to hand over the salary. That apart, the petitioner used to consume liquor daily and tortured the deceased by demanded huge dowry. In fact 1½ month prior to her death, she attempted to commit suicide and fortunately she was saved by treatment. While being so, on 29.05.2022, she committed by hanging herself in the matrimonial home, due to the torture given by the petitioner herein. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that there was misunderstanding between the petitioner and his wife with regard to trivial matrimonial issues. She never lived with the petitioner and had left to her parents home. In fact, the deceased was attempted to commit suicide in her mother's house. Further on the date of occurrence the deceased voluntarily came to the matrimonial home without informing to any one and committed suicide. At that time, the petitioner was not present in the matrimonial home. Due to other reasons, she committed suicide and not for the dowry demand.

The petitioner was arrested and remanded to judicial custody on 06.05.2022



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and hence, he prayed to grant bail to the petitioner.

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4. The learned Public Prosecutor (Pondy) appearing for the respondent submitted that totally there are two accused and the petitioner is arrayed as first accused. Due to the torture given by the accused persons, the deceased committed suicide by hanging in the matrimonial home. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that on earlier occasion the deceased attempted suicide in her mother's house and fortunately she was saved. Thereafter, the deceased herself came to her matrimonial home without informing to anyone and committed suicide. Further the petitioner was not present at the time of occurrence. Considering the facts and circumstances of the case and also considering the the period of incarceration by the petitioner from the date of his arrest viz., 04.06.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, 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



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Magistrate IV, Puducherry, and on further conditions that :-

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[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 as and when required.

[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.

03.08.2022

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To

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1. The Judicial Magistrate IV,
Puducherry.
2. The Station House Officer,
Thirukanur Police Station,
Puducherry – 605 501.
3. The Central Jail,
Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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