



WEB COPY



CrI.OP.No.19552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2022

CORAM

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

CrI.O.P.No.19552 of 2022

S.Amarnath

..Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thiruverkadu Police Station,
Thiruvallur District.
(Crime No.22 of 2021)

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No.22 of 2021 on the file of respondent herein.

For Petitioner : Mr.V.R.Appaswamee

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor :Mr.V.Gunasekar

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022 for the offence under Section 174(3) of Cr.P.C. altered to



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Section 306 of IPC in crime No.22 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.01.2021, the father of the deceased had lodged a complaint before the respondent police stating that the petitioner married his daughter/deceased in the year 2018 and they have 1 ½ year old male child. On the date of occurrence i.e., 17.01.2021, the petitioner had informed the *de-facto* complainant that his daughter was admitted in the Poonamallee hospital, thereafter he came to know that the deceased had committed suicide due to family dispute.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the deceased got married in the year 2018. On 17.01.2021, when the petitioner was not in the house, the deceased committed suicide by hanging due to severe stomach pain. The petitioner was working as a software engineer. Further, the petitioner never made any demand of dowry or committed any cruelty activities against the deceased, due to which the father of the deceased also did not make any



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allegations as against the petitioner while lodging the complaint. He further submitted that R.D.O enquiry also clearly revealed that there is no demand of dowry by the petitioner and the death was not due to dowry harassment. Hence, he prays for grant of bail to the petitioner.

4. The petitioner got married with the deceased on 27.04.2018. Thereafter, there was a wordy quarrel between them. Due to which, the deceased committed suicide on 17.01.2021. Thereafter, R.D.O. enquiry was conducted and found that there was no dowry demand. However, the petitioner was arrested and remanded to judicial custody on 02.08.2022.

5. The learned counsel appearing for the intervenor/*de-facto* complainant submitted that now the 1 ½ years old child is with the custody of the *de-facto* complainant's wife Viz., the mother of the deceased. She could not be able to make up with the child. That apart, the belongings of the deceased are now under the custody of the petitioner and they refused to return back the same.



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6. Considering the above submissions, this Court is inclined to grant Bail to the petitioner with certain conditions. 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, Poonamallee** 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 as and when required for interrogation.

[c] **After coming out of prison within a period of two weeks, the petitioner shall return all the personal belongings of the deceased and Sreedhana articles which were presented during the marriage to the *de-facto* complainant. Further, the petitioner shall pay a sum of Rs.2,000/- per month as an interim maintenance to the minor child till a decision is taken in the custody petition if any filed by the petitioner.**

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



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

25.08.2022

mpl

To

- 1.The Judicial Magistrate No.II, Poonamalee.
- 2.The Inspector of Police,
Thiruverkadu Police Station,
Thiruvallur District.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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