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Crl.OP.No.21892 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

Crl.OP.No.21892 of 2022

A.Jayakumar

..Petitioner

Vs.

The State
Rep by the Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District
(Crime No. 302 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.302 of 2022 on the file of the respondent Police.

For Petitioner	: Mr.S.B.Viswanathan
For Respondent	: Mr.S.Santhosh
	Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.07.2022 for the alleged offence punishable under **Section 174 of IP C @ 498-A and 306 of IPC** in Crime No. 302 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the marriage between the petitioner and the deceased was solemnised on 08.09.2019. The couple have a female child aged about 1 ½ years. The petitioner was working in a computer software company in Bangalore. At the instigation of the parents of the petitioner, he demanded money from the deceased and harassed the deceased by insisting her to abort the 2nd child conceived by her on the hope that she may again deliver a female child. While being so, on 16.07.2022, at about 7.30 p.m de-facto complainant was informed that the deceased committed suicide by hanging at home at about 6.35 p.m. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that at the instigation of the parents of the petitioner, he demanded money from the deceased and harassed the deceased by insisting her to abort the 2nd child conceived by her on the hope that she may again deliver a female child.



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5. It is seen that, the petitioner got married with the deceased on 08.09.2019. They gave birth to a female child. The petitioner insisted that the 2nd child also a girl and as such, he used to harass the victim/deceased. As such, she got humiliated and committed suicide by hanging.

6. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody, this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate, Kalasapakkam, Thiruvannamalai District 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 Morning at 10.30 a.m and Evening at 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation.

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



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[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.

12.09.2022

vsn

To

- 1.The Judicial Magistrate,
Kalasapakkam,Thiruvannamalai,District.
- 2.The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District
- 3.The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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