



Crl.O.P.No.22133 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.22133 of 2022

Madhanraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.

(Crime No.395 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.395 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side).



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2022 for the offences punishable under Section 174(3) Cr.P.C @ 306 of IPC, in Crime No.395 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that her daughter was given in marriage to the petitioner three years back and that they were not having children. While so, prior to one month, the victim has gone for the birthday function of her elder sister's daughter and thereafter, came back home. On 16.08.2022, the petitioner had informed the de-facto complainant that there was a quarrel in the family and called her for compromise. When the de-facto complainant gone to the petitioner's house, she found that her daughter had committed suicide by hanging. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the marriage between the petitioner and the de-facto complainant was solemnized on 17.04.2020 and they were not having children and the victim was depressed by the fact of not having a child. He would also submit that further, prior to one month, the victim had gone to her elder sister's house to attend the birthday function of her sister's daughter and thereafter, she was in continued depression and on the fateful day, she committed suicide by hanging. He would also state that no suicide note was left by the deceased and there is no specific allegation as against the petitioner, as if he has abetted the victim to commit suicide and also there was no demand of dowry. He would also submit that the petitioner is in custody from 17.08.2022 and he was also produced before the Revenue Divisional Officer for enquiry. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the marriage between the



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petitioner and the victim was solemnized on 17.04.2020 and that there was a quarrel between the petitioner and the victim, since the victim did not bear any child and due to the continuous harassment by the petitioner, the victim had committed suicide by hanging. He would also submit that initially the case has been registered for the offence under Sections 174 (3) Cr.P.C and later, altered to one offence under Section 306 IPC. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel for the petitioner and also the period of incarceration undergone by the petitioner and also taking note of the fact that no suicide note was left by the deceased, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruthuraipoondi**, 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 stay at Chennai and report before the Inspector of Police, C1 Flower Bazaar Police Station, Chennai, everydat at 10.30 a.m. and 05.30 p.m., until further orders;

[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



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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 abscond, a fresh FIR
can be registered under Section 229A IPC.

26.09.2022

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To

1. The Judicial Magistrate,
Tiruthuraipoondi.
2. The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
3. The Sub Jail,
Tiruthuraipoondi.
4. The Inspector of Police,
C1 Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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