



Crl.O.P.No.24087 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24087 of 2022

Thasthagir

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
(Crime No.262 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.262 of 2022, on the file
of the respondent Police.

For Petitioner : Mr.S.Saravanakumar

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 22.08.2022, for the offences punishable under Section 174(3) of Cr.P.C., @ Sections 498(A), 306, 304(B) of IPC, in Crime No.262 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the daughter of the defacto complainant/victim had love affair with A1 and with the consent of both the families, their marriage was solemnised on 26.08.2022, for which 50 sovereigns of gold jewels and a sum of Rs.2,00,000/- were given to A1 as sreedhana and they were happy in the matrimonial house only for 10 days. And thereafter, the accused harassed the victim physically by demanding more dowry. Further case of the prosecution is that out of their wedlock, a female child was born on 19.05.2022 and even thereafter, the victim was harassed by the accused, due to which, the victim committed suicide on 21.08.2022. Based on the complaint given by the defacto complainant, initially, a case has been registered for the offence under



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Section 174 (3) Cr.P.C and later, during the course of the investigation finding that there was a demand of dowry, the case was altered to one under Section 498 (A), 306 & 304 (B) of IPC.

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 this is the second application for bail and earlier application for bail in CrI.O.P.No.21643 of 2022 was dismissed by this Court on 08.09.2022 stating that the investigation is at initial stage and enquiry is pending before the Revenue Divisional Officer. He would submit that the marriage between the petitioner and the victim was solemnised on 26.08.2022 and it was a love cum arranged marriage. He would further submit that the marriage was objected by the de-facto complainant and due to intervention of the family members of both sides, the marriage was performed. He would submit that due to the pressure by her family members, the victim has committed the suicide whereas a false complaint has been given, as if, the victim committed suicide on account of the harassment of the family members of the petitioner. He would further



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submit that the victim is alleged to have left a suicide note in which no allegation has been made against the petitioner. He would also submit that the petitioner is in judicial custody from 22.08.2022 and major part of the investigation is over. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that it is the case where the woman has committed suicide within one year of marriage. The mother of the victim/de-facto complainant lodged a complaint stating that the petitioner has demanded dowry and physically harassed the victim, thereby, she committed suicide. He would fairly submit that as far as the petitioner is concerned there is no allegation in the suicide note and the RDO enquiry has also been completed. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the major part of the investigation is over and there is no allegation as against the petitioner in the suicide note, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Thirukoilur**, 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., until further orders;

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

11.10.2022

vkr

To

1. The Judicial Magistrate, Thirukoilur.
2. The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
3. The Sub Jail,
Thirukoilur.
4. The Public Prosecutor, High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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