



Crl.O.P.No.23769 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.23769 of 2022

Saravana Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ooty G1 Town Central Police Station,
Ootacamund, The Nilgiris.
(Crime No.81 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.81 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Balasubramaniam

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 30.08.2022, for the offences punishable under Sections 174 Cr.P.C @ Sections 498(A) & 306 of IPC, in Crime No.81 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Sundaram is that his daughter was married to A1 Krishnakumar on 15.11.2021 and at that time of marriage, several gifts were given. After the marriage, it came to light that his son-in-law had borrowed a sum of Rs.1,45,000/- from other persons. The defacto complainant had repaid the said amount and thereafter, also A1 had created problems and there was domestic quarrel between his daughter and her husband. While so, on 17.08.2022, the husband of the deceased along with his family members had quarrelled with the daughter of the defacto complainant, due to which, she committed suicide by consuming pesticide on 18.08.2022. Originally, a case was registered for offences punishable under Section 174 of Cr.p.C., and later it was altered to one under Section 498(A) & 306 of IPC.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case as he is the younger brother of the husband of the deceased. He would also submit that though the petitioner is a native of Ooty, he is running a shop at Manaparai and that in order to rope in all the family members, the petitioner's name has also been implicated in this case. He would further submit that as far as this petitioner is concerned, there is no material to show that the petitioner abetted the suicide of the victim girl. He would also state that the RDO enquiry has also been completed. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is none other than the younger brother of A1. He would also state that the petitioner along with the other family members had quarreled with the victim and demanded dowry, due to which, she committed suicide by consuming pesticide. He would also reiterate that the RDO enquiry has been completed, however, the report is awaited. Therefore, he vehemently opposed for grant of bail to the petitioner.



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

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 petitioner is only a brother of the main accused and that the RDO enquiry is over, 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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Additional Mahila Court, Udhagamandalam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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., 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 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.

10.10.2022

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To

- 1.The Judicial Magistrate, Additional Mahila Court,
Udhagamandalam.
- 2.The Inspector of Police,
Ooty G1 Town Central Police Station,
Ootacamund, The Nilgiris.
- 3.The Sub Jail, Coonoor.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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