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Crl.O.P.No.25230 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.10.2022**

**CORAM**

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

**Crl.O.P.No.25230 of 2022**

Balamurugan @ Karthi

... Petitioner

Vs.

State rep. by its  
The Inspector of Police,  
Aanaikaranchatiram Police Station,  
Mayiladuthurai District.

(Crime No.307/2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the Petitioner on bail in Crime No.307 of 2022 on the file of  
the Inspector of Police, Aanaikaranchatiram Police Station, Mayiladuthurai  
District.

For Petitioner : Mr.S.P.Harikrishnan

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 22.09.2022 for the offences punishable under Section 174 (3) Cr.P.C @ 498A & 304 of IPC in Crime No.307 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the Prosecution as per the complaint lodged by the de-facto complainant/father of the deceased wherein, he had stated that her daughter/deceased was given marriage to the first accused and at the time of marriage, dowry worth of Rs.15 lakhs were given. The further allegation is that the first accused along with the other accused demanded dowry and it was also informed by the victim to her father, while so, on 30.06.2022, he was informed by his son-in-law/A1 that his daughter has met with fire accident and she was admitted in hospital with 70% burnt injuries but unfortunately, she died on 23.08.2022. Based on his complaint, a case in Crime No.307 of 2022 was originally registered for the offence under Section 174(3) of Cr.P.C, and later, after the RDO enquiry, the case was altered to one under Section 498A & 304 IPC, due to which, the husband, mother-in-law and sister-in-law of the



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deceased were arrested. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that a case of accident has been projected as a case of death on account of demand of dowry. He would further submit that the petitioner got married to the daughter of the de-facto complainant and they lead a happy married life. He would also submit that on 30.06.2022, when the victim alone was in the house, while she was near the gas stove, her dress got fire and she sustained severe burn injuries and she was taken to the hospital by the neighbours and when she was in hospital, she was taken care by the petitioner. He would also submit that while she was in hospital, statement has been recorded by the learned Judicial Magistrate from her, wherein, she had stated that on the said day of occurrence, she was alone at home and her dress got fire accidentally.

4. The learned counsel would submit that the de-facto complainant had not made any complaint during the relevant period of time, subsequently, the victim died on 23.08.2022 and thereafter, on the instigation of relatives, the de-facto complainant has made a complaint against the petitioner and his



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family. He would also submit that even in the enquiry report of the RDO, none of the witnesses have spoken about the demand of dowry. He would reiterate that the case of accident was projected as a case of death on account of demand of dowry. He would further submit that the petitioner is in custody from 22.09.2022 and hence, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the daughter of the de-facto complainant got married to the petitioner on 14.02.2022 and subsequently, she was admitted in the hospital with burnt injuries on 30.06.2022 and died on 23.08.2022. He would also submit that dying declaration has been recorded from the victim by the learned Magistrate. He would further submit that the case has been initially registered for the offence under Section 174(3) of Cr.P.C and later, it was altered to one under Section 498A & 304 IPC and the investigation is pending and hence, he oppose to grant bail to the petitioner.

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



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record including the dying declaration recorded from the victim immediately after the occurrence.

7. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also taking note of the dying declaration wherein the victim had stated that the incident was an accident and also considering that only after the death of the victim, complaint has been given that there was a demand of dowry , this Court is inclined to grant bail to the petitioner.

8. 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, Sirkazhi**, and on further conditions that:



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[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 everyday at 10.30 a.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]**;



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

**18.10.2022**

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To

1. The Judicial Magistrate, Sirkazhi.
2. The Inspector of Police,  
Aanaikaranchatiram Police Station,  
Mayiladuthurai District.
3. The Sub Jail, Nagapattinam.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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