



Crl.O.P.No.25353 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25353 of 2022

Krishna Kumar

... Petitioner

Vs.

The State represented by,
The Deputy Superintendent of Police,
G1 Town West Police Station,
The Nilgiris.

Crime No.81 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in connection with 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 Section 174 Cr.P.C @ Sections 498(A), 306 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 de-facto complainant is that his daughter/victim was given to marriage to the petitioner on 15.11.2021 and due to the harassment and torture given by the petitioner, his daughter has committed suicide by consuming pesticide. Initially, the case has been registered for the offence under Section 174 Cr.P.C and later, it was altered to one under Sections 498(A), 306 IPC. Hence the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to the matrimonial dispute, the victim has committed suicide. He would further submit that even as per the complaint, the de-facto complainant has stated that the petitioner has



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scolded the victim, since she did not take care of their child properly. He would further submit that there is no demand of dowry and there is no specific allegation as against the petitioner, as if he has abetted the victim to commit suicide. He would also submit that the petitioner is in custody from 30.08.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the husband of the deceased. He would further submit that the marriage between the petitioner and the de-facto complainant was solemnized on 15.11.2021 and thereafter, due to the continuous harassment and quarrel, the victim has committed suicide by consuming pesticide. He would also submit that based on the complaint given by the de-facto complainant, father of the deceased, initially, the case has been registered for the offence under Section 174 Cr.P.C and later, it was altered to one under Sections 498(A), 306 IPC. Hence, he oppose to grant 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 including the complaint.

6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and taking note of the period of incarceration undergone by the petitioner from 30.08.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her 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, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[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]**;

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

19.10.2022

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To

1. The Judicial Magistrate, Additional Mahila Court,
Udhagamandalam.
2. The Deputy Superintendent of Police,
G1 Town West Police Station,
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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