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Crl.O.P.No.26727 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.O.P.No.26727 of 2022

Samydurai

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Guindy Police Station,  
Chennai.

(Crime No.700/2022).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in connection with the Crime No.700  
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Ramesh

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

For Intervener : Mr.M.Muruganantham



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 28.09.2022, for the offences punishable under Sections 174(3) Cr.P.C. @ 306 IPC in Crime No.700 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Pannerselvam is that his daughter Dhanam/deceased was given in marriage to the petitioner on 11.09.2019 and they have a male child. The further allegation of the de-facto complainant is that the petitioner had developed a intimacy with another women and also married her. Aggrieved by the same, his daughter has committed suicide by hanging. Based on his complaint, initially, the case has been registered for the offence under Section 174(3) Cr.P.C and later, it was altered to one under Section 306 IPC. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been implicated in this case



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only based on the suspicion that he was having an affair with another women and due to which, the victim had committed suicide by hanging. 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 28.09.2022 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 marriage between the petitioner and the de-facto complainant's daughter was solemnized on 11.09.2019 and they have a male child. He would further submit that the petitioner has developed an illegal intimacy with another women and married her, due to which, the de-facto complainant's daughter has committed suicide by hanging. He would also submit that based on the complaint given by the de-facto complainant, initially, the case has been registered for the offence under Section 174(3) Cr.P.C and later, it was altered to one under Section 306 IPC. He would also state that the investigation is pending and also awaiting for RDO report. Hence, he oppose for grant of bail to the petitioner.



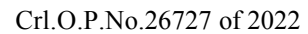
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5. The learned counsel for the Intervener would oppose for grant of bail to the petitioner stating that the petitioner had demanded dowry and harassed the de-facto complainant's daughter, due to which, she had committed suicide by hanging.

6. At this juncture, the learned counsel for the Petitioner would submit that the detailed complaint has been given by the de-facto complainant, wherein, no averment of demand of dowry has been made against the petitioner and he has only alleged about the illegal affair of the petitioner. He would further reiterate that even as per the First Information Report, there is no averment as against the petitioner, as if the petitioner has abetted the victim to commit suicide and hence, he pray for grant of bail to the petitioner.

7. Heard both the learned counsel for the Petitioner and the Intervener and the learned Government Advocate (Crl.Side) and perused the materials available on record including the complaint.



9. 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 IX Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that:

**[b] the petitioner shall stay at Vendasandur and report before the Inspector of Police, Vendasandur Police Station, everyday at 10.30a.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.

**09.11.2022**

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To

1. The IX Metropolitan Magistrate, Saidapet,  
Chennai.
2. The Inspector of Police,  
Guindy Police Station,  
Chennai.
3. The Central Prison,  
Puzhal.
4. The Inspector of Police,  
Vedasandur Police Station,  
Dindigul District.
5. The Public Prosecutor,  
High Court of Madras.



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

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