



CrI.O.P.No.28212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

CrI.O.P.No.28212 of 2022

1. Kadhivel
2. Vijayaganth
3. Meganathan

... Petitioners

Vs.

State: Represented by
The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
(Cr.No.196 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Cr.No.196 of 2021 on the file of
the respondent police.

For Petitioners : Mr.A.Saranraj

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Section 174(iii) @ 306 of IPC, in Crime No.196 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that his daughter was given in marriage to the 1st petitioner on 03.07.2017 and they have got 1 ½ years old child. Further allegation is that his son-in-law and his family members used to harass his daughter continuously, due to which she committed suicide. Initially, the case was registered under Section 174 (3) of Cr.P.C. During the course of the investigation, it was found that the petitioners have abetted the victim to commit suicide. Thereby the case was altered into Section 306 of IPC. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been arrested on 09.10.2022.

He would submit that the victim had committed suicide suspecting that the 1st



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petitioner was having relationship with some other lady. Other than this, there is no allegation of abetment of the petitioners to the victim to commit suicide and there was no demand of dowry. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to a matrimonial dispute, the victim had committed suicide. Hence, he vehemently opposed to grant bail to the petitioners.

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

6. Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/-** (Rupees Twenty



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Five thousand only) with **two sureties**, each for a like sum to the satisfaction of **learned District Munsif – Cum - Judicial Magistrate No.I, Walajapet**, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl

To

1. The District Munsif - cum - Judicial Magistrate No.I,
Walajapet.
2. The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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