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Crl.O.P.No.28371 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

Crl.O.P.No.28371 of 2022

1. Jaganathan

2. Loga @ Loganathan @ Era

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.

(Crime No.204 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.204 of 2022, on the file of the respondent.

For petitioners : Mr.R.Sasikumar

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



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 17.10.2022 for the offences punishable under Section 174(iii) of Cr.P.C @ 306 of IPC in Crime No.204 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Usha is that her daughter Nivetha @ Akila/victim was given in marriage to A1 (1st petitioner herein) on 01.06.2020 and at the time of marriage 12 sovereigns of gold jewels, a bike and other seer varisai items were given as dowry. Her further allegation is that A1 used to drink often and was also having several debts, thereby, he along with his family members repeatedly demanded more dowry from the victim and also harassed her, due to which the victim used to cry to the de-facto complainant. Subsequently, the victim had stated to the de-facto complainant that A1 had assaulted the victim, due to which, she sustained injuries and during such time, against her wish, he forcefully had physical affair with her and also the family members of A1 had demanded money from her and all causing



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depression to her. Thereafter, on 04.09.2022, the victim had attempted suicide by self immolating her and admitted in the hospital and she died in the hospital on 06.09.2022, without responding to the treatment. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and a false complaint has been given against them. He further submitted that there is no demand of dowry and the allegation is only against the first petitioner that he had compelled the victim to have physical relationship against her wish and thereby, the victim had committed suicide and the second petitioner, who is the brother of A1, living separately, is unnecessarily roped in in this case. He also stated that the petitioners are in custody from 17.10.2022 and they are ready to abide by any stringent conditions that may imposed by this Court, hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the marriage between the victim and the first petitioner was solemnized on 01.06.2020 and they have a male child. He



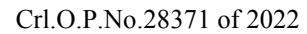
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further submitted that the first petitioner, become alcoholic and was having several debts and he along with the other accused demanded dowry from the victim and also harassed her, further he compelled her to have physical relationship, even when she was not feeling well. He further stated that the family members of the first petitioner are also demanding dowry from victim, due to which, the victim had committed suicide by self immolating her. He also stated that preliminary investigation reveals that there was a demand of dowry and the respondent are awaiting for RDO report. Hence, he 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 the circumstances of the case and the submissions made by the learned counsel, this Court is not inclined to grant bail to the first petitioner, since the allegations are serious against him, however, in respect of the second petitioner, this Court is inclined to grant bail with certain conditions.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in



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accordance with law as if the conditions have been imposed and the second 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.

18.11.2022

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To

1. The Judicial Magistrate, Arakkonam.
2. The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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