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Crl.O.P.No.28971 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

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

Crl.O.P.No.28971 of 2022

M.P.Jayachandran

... Petitioner

Vs.

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

(Crime No.352/2022).

... 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.352
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Aloysius Raja Pragash

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 20.10.2022 for the offences punishable under Section 174(3) Cr.P.C @ 304-B of IPC, in Crime No.352 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Aakash is that his elder sister Hema Bindhu was given in marriage to his cousin Jayachandran (petitioner herein), who was working as Assistant Manager in Bank of India, on 16.11.2019 and her sister used to tell him that she was having a happy married life. While so on 17.03.2022, he was informed that his sister has committed suicide by hanging and based on the complaint given by the de-facto complainant, a case in Crime No.352 of 2022 was registered under Section 174(3) Cr.P.C and later, during the course of investigation, it came to light that the petitioner had demanded dowry and harassed her, due to which, she had committed suicide by hanging. Thereby, the case has been altered to one under Section 304-B of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is the son of the maternal uncle of the de-facto complainant. He further submitted that due to the intervention of the family members, the marriage between the petitioner and the victim was performed and only after marriage, the petitioner came to know that the victim was forced for the marriage. He further submitted that even as per the complaint given by the de-facto complainant, he does not state about the demand of dowry and whereas, he stated that the petitioner and the victim were living happily. He also stated that the petitioner is unaware of the reasons for which the victim had committed suicide. He also submitted that major part of the investigation is over and the RDO enquiry is also completed and it has revealed that the victim was depressed for the reason that she was unable to give birth to a child and the allegation is only as against the parents of the petitioner who have questioned the victim for not having a child and there is no allegation as against the petitioner, as if he had abetted the victim to commit suicide. He further stated that the petitioner is in custody from 20.10.2022 and he is ready to comply with any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the marriage between the petitioner and the de-facto complainant's elder sister was solemnized on 16.11.2019 and they do not have a child. He further submitted that the petitioner has demanded dowry from the victim and had harassed her for not having a child, due to which, she had committed suicide by hanging. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the RDO report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. 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, Madhavaram**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

29.11.2022

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To

1. The Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
Madhavaram Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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