



Crl.O.P.Nos.29289 & 29325 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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

Crl.O.P.Nos.29289 & 29325 of 2022

1. Manivasagam

2. Lakshmanan

... Petitioners in Crl.O.P.No.29289 of 2022

Kavimani

... Petitioner in Crl.O.P.No.29325 of 2022

Vs.

State represented by
The Inspector of Police,
Station House officer,
Oratur Police Station,
Cuddalore District.
(Crime No.290 of 2022)

... Respondent in both Crl.O.P.Nos.

PRAYER in Crl.O.P.No.29289 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.290 of 2022 pending on the file of the respondent police.

PRAYER in Crl.O.P.No.29325 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in Crime No.290 of 2022 pending on the file of the respondent police.



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In both Crl.O.P.Nos.,

For Petitioners : Mr.S.Shankar

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.10.2022 for the offences punishable under Sections 294(b), 498(A), 306 r/w 116 of IPC and 4 of Women Harassment Act and Section 4 of Dowry Prohibition Act, in Crime No.290 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant Ashika is that she got married to A1 on 13.04.2022 and it was a love marriage, thereafter, she was living in her matrimonial home along with her husband(A1) and in-laws. While so, A1 along with his family members, abused her in a filthy language and harassed her saying that she did not bring any dowry and they will arrange a marriage for A1 with some other bride. The further allegation is that on 28.10.2022, the accused by abusing and assaulting the de-facto complainant, dropped her in her parental home



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and also abused her mother and brother, due to which, she had attempted to commit suicide by consuming poison and informed the same to her parents, then they have admitted her in the hospital for treatment. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioner in Crl.O.P.No.29325 of 2022 is the husband of de-facto complainant and the petitioners in Crl.O.P.No.29289 are the father-in-law and relative of her husband respectively. He further submitted that marriage between A1 and the de-facto complainant was a love marriage and due to some misunderstanding, the de-facto complainant had left her matrimonial home and then, she has given a false complaint as against the petitioners as if she was harassed by the petitioners. He also stated that the petitioners are in custody from 28.10.2022 and they are ready to abide by any stringent conditions that may be 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 petitioners are arrayed as A2, A5 and A1 respectively. He further submitted that though it is the love marriage



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performed between A1 and the de-facto complainant, A1 along with his family members have harassed the de-facto complainant by demanding dowry and abused her in a filthy language, thereby, the de-facto complainant unable to bear the torture and the harassment made by the accused, had attempted to commit suicide by consuming poison in her parental home. He also stated that the investigation is pending. 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.

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

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



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thousand only) each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chidambaram** 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 in **Crl.O.P.No.29289 of 2022**, shall report before the respondent Police everyday at **10.30 a.m.**, for a period of three weeks and thereafter, as and when required;

[c] the petitioner in **Crl.O.P.No.29325 of 2022**, shall report before the respondent Police everyday at **10.30 a.m.**, for a period of three weeks and thereafter, every Saturday at **10.30 a.m.**, until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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



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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]*;

[g] 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 No.II,
Chidambaram.
2. The Inspector of Police,
Station House officer,
Oratur Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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