



Crl.O.P.No.2909 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

Crl.O.P.No.2909 of 2023

Karthick

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-3, Guindy Police Station,
Chennai 32.

(Crime No.21 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.21
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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CrI.O.P.No.2909 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.01.2023 for the offences under Section 174 Cr.P.C @ Section 306 of IPC, in Crime No.21 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Vijayalakshmi, is that her elder daughter Vimala/victim had completed B.E and working in a private company and she was given in marriage to A1/Karthick on 26.04.2020. Since the marriage was solemnized during the Covid-19 period, the defacto complainant was unable to conduct a reception. A1 and his family members have harassed the victim girl and abused her and thereafter, driven her out of the matrimonial home. Thereafter, the victim girl had delivered a child. While so, on 06.01.2023, the accused had come to her house and abused the victim and taken away the child by force. The victim aggrieved over the same, had committed suicide by hanging. Originally the case was registered for the offence under Section 174 Cr.P.C and thereafter, the case has been altered into one under Section 306 of IPC. Hence the case.



Crl.O.P.No.2909 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the petitioner and the victim got married on 26.04.2020 and they have a child aged 1 ½ years and there was a misunderstanding and the victim had taken the child and gone back to her mother's house, the petitioner had compelled her to come to the matrimonial home, whereas, she refused to come to the matrimonial home and thereby, the petitioner had gone to the house of the defacto complainant and brought back the child, due to which, the victim had committed suicide. He further submitted that there is absolutely no demand of dowry and that the victim is alleged to have committed suicide on account of the petitioner taking the child. He further submitted that the petitioner has not abetted the victim to commit suicide. He also submitted that the petitioner is in judicial custody from 07.01.2023 and major part of the investigation is over. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the marriage between the petitioner and the victim was solemnized on 26.04.2020 and thereafter, the petitioner and his



CrI.O.P.No.2909 of 2023

family members have harassed the victim physically and mentally and demanded more dowry, thereby, they have driven the victim out of the matrimonial home. Later, on 06.02.2023, the accused gone to the house of the defacto complainant and abused and assaulted the victim, thereafter, taken the child and ran away, due to which, the victim had committed suicide by hanging. He further submitted that RDO enquiry has been conducted and awaiting for report. He also submitted that the major part of the investigation is over. However, he opposed for grant of bail.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**



Crl.O.P.No.2909 of 2023

with **two sureties**, each for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet, Chennai 15** 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, daily at 10.30 a.m., until further orders ;

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

[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]*;



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CrI.O.P.No.2909 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

14.03.2023

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To

- 1.The Metropolitan Magistrate No.IX,
Saidapet, Chennai 15.
- 2.The Inspector of Police,
J-3, Guindy Police Station,
Chennai 32.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.2909 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.2909 of 2023

14.03.2023