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Crl.O.P.No.8089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.8089 of 2023

1.Rajadurai

2. Ganesan

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Korrukupettai Railway Police Station,
Chennai Railways,
Chennai 600 021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail in Crime No.162 of 2022
pending investigation before the respondent police station.

For Petitioners : Mr.T.I.Ramanathan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.03.2023, for the alleged offences punishable under Sections 174 of Cr.P.C @ 304 (B) of IPC in Crime No.162 of 2022, on the file of the respondent Police, seeks bail.

2. A case in Crime No.162 of 2022 came to be registered on the complaint given by WIMCO Nagar Railway staff stating that, a lady was found dead on the railway track. During the course of the investigation, it came to light that, lady who committed suicide was one Arul Mozhi, wife of A1. It is seen that, marriage between the said Arul Mozhi with the 1st Accused/ Rajadurai was solemnised on 21.02.2022. The further allegation is that, the husband and in-laws of the victim have committed dowry and matrimonial harassment on her, due to which, victim had committed suicide by jumping in front of the running train. Hence, the case.

3. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, 1st petitioner is the husband of the victim



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and 2nd petitioner is the father-in-law of the victim. The marriage between the 1st petitioner and the victim was solemnised on 21.02.2022 and from that, they did not have child. Victim got depressed on account of not being able to bear a child. Apart from that, there were also small misunderstanding with the 1st petitioner. Other than that, absolutely there was no demand of dowry. He further submitted that, fact remains that, petitioner is working as Engineer in ASHOK LEYLAND, he infact from the date of marriage, had so far deposited an amount of Rs.2 lakhs into the account of his wife and therefore the question of dowry harassment will not arise. He would further reiterate that, victim on her being not able to bear a child, had committed suicide by jumping in front of the train. He further submitted that, he is in custody from 22.03.2023 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he seeks for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, the petitioners are husband and father-in-law of the victim/deceased, who have committed dowry and matrimonial harassment on her, due to which, victim had committed suicide by jumping in front of the running train. Hence, he opposed for granting bail to the petitioners.



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

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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)each** with **two sureties** each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruvottiyur, Chennai** 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 daily at 10.30 a.m., until further orders;



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[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]*;

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

13.04.2023

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To

1. Judicial Magistrate No, Tiruvottiyur
2. The Inspector of Police,
Korrukupettai Railway Police Station,
Chennai Railways,
Chennai 600 021.
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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