



Crl.O.P.No.8373 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8373 of 2023

Naresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vettavalam Police Station,
Tiruvuvannamalai District.

(Crime No.69 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.69 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)

For Intervener : Ms.Raji



Crl.O.P.No.8373 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.03.2023, in connection with Crime No.69 of 2023, registered under Section 174(3) Cr.P.C and later, altered for the alleged offences punishable under Section 306, 498(A) of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Vasanthan, is that his daughter/victim was given in marriage to one Naresh/A1 on 04.09.2017 and at the time of marriage, 16 sovereigns of gold jewels were given as dowry and only after their marriage, they got to know that the accused was in the habit of drinking and in an inebriated condition, he used to quarrel with her daughter/victim and also harass her. Further, the first accused and his family members have also demanded dowry from the victim and abused her. While so, on 08.03.2023, the de-facto complainant's daughter has committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in crime No.69 of 2023 came to be registered under Section 174(3) of Cr.P.C. Later, during the course of



Crl.O.P.No.8373 of 2023

investigation, the case has been altered to one under Sections 306 & 498 A of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the marriage between the petitioner and the victim/deceased was solemnised on 04.09.2017 and they have no children, due to which, the petitioner became alcoholic, thereby, there were frequent quarrels between the victim and the petitioner and out of frustration, the victim had committed suicide and there is no demand of dowry. He further submitted that the petitioner has not abetted the victim to commit suicide, whereas, the de-facto complainant has lodged a false complaint as against the petitioner, as if the petitioner has demanded dowry. He further submitted that major part of the investigation is over and the petitioner is in custody from 10.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the marriage between the petitioner and the



Crl.O.P.No.8373 of 2023

victim was solemnised during the year of 2017 and only after the marriage, the victim came to know that the petitioner is an alcoholic and that he along with his family members used to harass her every day and also quarrelled with her frequently demanding dowry, due to which, the victim has committed suicide by hanging. He further submitted that the petitioner was arrested on 10.03.2023 and the RDO enquiry is also pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Learned counsel for the Intervener objected for granting bail to the petitioner stating that the petitioner, who is the husband of the de-facto complainant's daughter/victim, along with his family members had harassed her on demanding dowry of Rs.5 lakhs and the petitioner, in an inebriated condition used to harass her everyday, due to which, the victim has committed suicide by hanging. She further submitted that the victim had earlier given a complaint against the accused before the Inspector of Police, All Women Police Station, Tiruvannamalai on 18.02.2023.

6. In reply, the learned counsel for the petitioner submitted that the earlier complaint was given only due to the matrimonial dispute and the



Crl.O.P.No.8373 of 2023

victim has also withdrawn her complaint on 02.03.2023, whereas, even in the said complaint, there is no allegation of demand of dowry. Hence, he prayed for grant of bail to the petitioner.

7. Heard the learned Counsel for the Petitioner, Intervener and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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

9. 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tiruvannamalai**, 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



Crl.O.P.No.8373 of 2023

Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, B2, Esplanade Police Station, everyday at 10.30a.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]***;

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

24.04.2023

ham

To



Crl.O.P.No.8373 of 2023

WEB COPY

1. The Judicial Magistrate No.I,
Tiruvannamalai.
2. The Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
B2, Esplanade Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8373 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.8373 of 2023

24.04.2023

2/2