



CrI.OP.No.10646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10646 of 2023

Ajith Kumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
Crime No.169 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No.169 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.03.2023 for the offence punishable under Section 173(4) of Cr.P.C altered to Section 304 (B) of IPC, in Crime No.169 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter Roja was married to the petitioner on 16.03.2022 and thereafter the petitioner harassed the deceased by demanding dowry due to which she committed suicide by hanging in the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant's daughter Roja was married to the petitioner on



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16.03.2022 and thereafter the petitioner harassed the deceased by demanding dowry due to which she committed suicide by hanging in the matrimonial home. He would further submit that R.D.O., enquiry is still pending and if the petitioner is released at this stage, then there will be possibility of abscondance and will hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the material papers that the petitioner got married with defacto complainant on 16.03.2022 and thereafter due to dowry harassment, deceased committed suicide by hanging in matrimonial home. Initially F.I.R., was registered against the petitioner under Section 173(4) of Cr.P.C., later it was altered to Section 304(B) of IPC. Considering the above facts and circumstances of the case and also the period of incarceration suffered by the petitioner from 18.03.2023, this Court is inclined to grant bail to the petitioner.

6. 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



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only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, 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 Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m., for a period of four weeks.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.2
Tiruvannamalai.
2. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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