



CrI.O.P.No.11163 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.11163 of 2023

Raj kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur.

(Crime No.120 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.120 of 2023,
on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.03.2023, in connection with Crime No.120 of 2023 for the alleged offence punishable under Section 498A of IPC @ 498A, 306 of IPC, seeks bail.

2. The case of the prosecution as per the de-facto complainant Sampath is that his daughter one Anusya was given in marriage to the accused/petitioner herein on 10.06.2022 and at the time of marriage, 15 sovereigns of gold jewels, one lakh rupees cash and other household articles were given as dowry and even after the marriage, the accused had harassed the de-facto complainant's daughter/victim on demanding dowry from her and the victim, unable to bear the harassment caused by the accused, had attempted to commit suicide by self immolation on 27.03.2023 and she was admitted to the hospital, but unfortunately, she died on the same day, without responding to the treatment. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and the earlier



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application was dismissed by this Court in Crl.O.P.No.9657 of 2023 on 28.04.2023. He further submitted that the petitioner is an innocent person and there was a dispute with regard to the pledging of the victim's jewels and other than that the petitioner has nothing to do with the alleged offence. 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 the investigation has been completed and he is also 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 Additional Public Prosecutor appearing for the respondent police submitted that the marriage between the petitioner and the victim was solemnised only during the year of 2022 and after the marriage, the petitioner along with his family members used to harass her every day and also quarrelled with her frequently demanding additional dowry, due to which, the victim had attempted to commit suicide by self immolation and she was admitted to the hospital and later, died on the same day, without responding to the treatment. He further submitted that RDO report is pending



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and five witnesses have been examined. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 taking note of the period of incarceration undergone by this 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Thiruvallur**, 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;



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[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 the investigation trial;

[d] the petitioner shall not tamper with evidence or witness either during the 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.

17.05.2023

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A.A.NAKKIRAN,J.

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To

1. The Judicial Magistrate No.I,
Thiruvallur.
2. The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur.
3. The Puzhal Prison II,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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