



Crl.OP.No.11820 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11820 of 2023

Kasi

S/o.Madhu

... Petitioner

Vs.

State by

Inspector of Police,

Mathikonpalayam Police Station,

Dharmapuri District.

(Crime No.22/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.22 of 2023 on the file
of the Inspector of Police, Mathikonpalayam Police Station, Dharmapuri
District..

For Petitioner : Mr.K.Balu

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.Side)



WEB COPY



Crl.OP.No.11820 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 02.05.2023 for the offences punishable under Section 174 (3) of IPC @ 306 of IPC in Crime No.22 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the defacto complainant Pappapathi is the mother of the deceased person namely Kavitha and the accused is the husband of he deceased persons and they got married on 01.06.2020 and having two years old female child and since from the one week of marriage date, the accused had shown cruelty and demanded dowry from her and already the deceased person attempted for suicide for two times due to dowry harassment by the accused and on 29.01.2023 at about 11.00 a.m., one Murugammal informed the complainant that the said Kavitha had committed suicide by hanging. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has not committed any such



Crl.OP.No.11820 of 2023

offence as alleged by the prosecution and due to family quarrel, a false case he has been foisted against him and the Petitioner is in judicial custody from 02.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that as per the RDO report, there is no involvement of dowry harassment from the petitioner. However, he would vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the petitioner and RDO enquiry has been completed, this Court is inclined to grant bail to the petitioner with certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned *Additional Mahila Court*,



Crl.OP.No.11820 of 2023

Dharmapuri and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner is directed to reside at Chennai and report before the Inspector of Police, Esplanade Police Station, daily at 10.00 a.m., until further orders and he shall not enter into the limits of local Mathikonpalayam Police Station;

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



Crl.OP.No.11820 of 2023

WEB COPY

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

Vv/ham

To

1. The Additional Mahila Court,
Dharmapuri.
- 2.The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
3. The Sub Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.11820 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Vv/ham

Crl.O.P.No.11820 of 2023

24.05.2023