



Crl.O.P.No.13534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.13534 of 2023

Saravanan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Puduppettai Police Station
Cuddalore District
(Crime No.135 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner arrested on 31.05.2023 in Crime
No.135 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.A.Venkatesan

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 31.05.2023 for the offence punishable under **Section 174 (3) Cr.P.C. altered into 498A and 306 IPC, in Crime No.135 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Sekar is that his daughter Kanmani fell in love with one Saravanan/the petitioner herein and they eloped from the house and got married few months before the date of occurrence. While so, on 25.03.2023, the petitioner had informed to the relative of the defacto complainant that the daughter of the defacto complainant consumed poison and was admitted in the hospital. Immediately they had gone to the hospital and on 30.03.2023, the victim died without responding to the treatment. Originally the case was registered under Section 174 (3) Cr.P.C. and later, during the course of investigation, it came to light that the petitioner committed cruelty on the victim due to which, she consumed pesticide and succumbed without responding to the treatment. Hence, the offences were altered to Sections 498A and 306 IPC and the petitioner was arrested and remanded to judicial custody on 31.05.2023.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would admit that the marriage between the petitioner and the victim is a love marriage against the wishes of the defacto complainant and therefore, there was a constant pressure from the family of the victim and due to pressure and harassment of the family members of the victim, she committed suicide by consuming pesticide when the petitioner was away from home. He would further submit that the petitioner only had admitted the victim in the hospital and during such time, no Dying Declaration was recorded from the victim and it is well known that the victim had committed suicide only on account of the harassment made by her family members and that there is no suicide note. He would further submit that the petitioner has been languishing in jail from 31.05.2023. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner is the husband of the deceased and though it was a love marriage, the petitioner constantly harassed the victim due to which, she committed suicide by consuming pesticide. He would further submit that RDO enquiry is pending.



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5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and statement of the defacto complainant recorded under Section 161 (3) Cr.P.C.

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 Only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Panruti**, 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 stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station daily at 10.30 a.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;



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[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 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.

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To

1. The Judicial Magistrate II, Panruti.
2. The Inspector of Police,
Puduppettai Police Station
Cuddalore District
3. The District Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Copy to:

Inspector of Police,
Flower Bazaar Police Station, Chennai.



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A.D.JAGADISH CHANDIRA,J.,

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