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Crl.O.P.No.17138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No. 17138 of 2023

Gaurav Kumar

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
T-16, Semmenchery Police Station,
Chennai.
Crime No. 150 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.150 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Ramesh Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

For Intervenor : Mr.M.Vimal bobby Crimsan

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 26.06.2023 for the offences punishable under Section 306 of IPC in Crime No.150 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, deceased is the wife of the petitioner. Due to some domestic issues, she committed suicide on 22.06.2023. Petitioner was not responsible for the deceased to take the decision to commit suicide. Petitioner is in Judicial Custody from 26.06.2023. Thus, he seeks bail to the petitioner.

3. In reply, the learned Additional Public Prosecutor opposes this petition and stated that, it is seen from the statement under section 161 of Cr.P.C., of the defacto complainant that, petitioner had alone abetted the deceased to commit suicide for the reason that, they had no children for the last four years. Investigation in this case is pending.

4. The learned counsel for the intervenor/defacto complainant



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submitted that, deceased used to complain to the defacto complainant about the ill-treatment and cruelty committed by the petitioner and his family members. Petitioner used to humiliate the deceased about her weak economical status and her family members. He further reiterated that, petitioner and his family members, were alone responsible for the deceased to take the decision to jump from fifth floor.

5. Considered the rival submissions and perused the records. The FIR allegations show that, petitioner and deceased got married on 19.04.2019. Thereafter, deceased was not treated well by her husband and his family members. There was a talk of divorcing the deceased by the petitioner. Petitioner's mother and sister always influenced the petitioner by saying something bad about the deceased. Petitioner and the deceased were fighting continuously, prior to the suicide and petitioner had pushed the deceased to commit suicide. However, there is no eye-witness available to show that, petitioner had abetted the deceased to commit suicide. So far incriminating material available in this case is the statement under section 161 of Cr.P.C., of the defacto complainant.



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It is stated in the statement of the defacto complainant under section 161 of Cr.P.C., that, petitioner had not harassed the deceased by demanding dowry. There were frequent fight between the petitioner and the deceased for the reason that, they had no children for the last four years. Therefore, it is stated that, petitioner had abetted the deceased to die and that prompted the deceased to commit suicide by jumping from the fifth floor.

6. Without deeply going into the merits of the case, considering the fact that petitioner is in judicial custody from 26.06.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

7. Accordingly, petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate, J.M.No.2, Alandur** and on further conditions that :-



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

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G.CHANDRASEKHARAN. J.

sma/mac

To

1.Metropolitan Magistrate, J.M.No.:2,
Alandur

2.Central Prison,
Puzhal.

3.The Inspector of Police,
T-16, Semmenchery Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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