



Crl.O.P.No.2185 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.2185 of 2024

S.Suresh

...petitioner

Vs.

State represented by
The Inspector of Police,
Manimangalam Police Station,
Manimangalam, Kanchipuram District.
(Crime No.93 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.93 of 2023 on the file of the respondent Police.

For petitioner : Mr.D.Anantha Padmanabhan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.12.2023 originally registered by the respondent Police for the



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offences under Section 174(iii) Cr.P.C on 16.04.2023 and subsequently, altered to Section 306 IPC on 27.07.2023 and thereafter, altered to Section 304(B) IPC on 17.12.2023 in Crime No.93 of 2023, seeks bail.

2.The petitioner who is arrayed as A1, is the husband of the deceased. A2 to A4 are the father-in-law, mother-in-law and brother-in-law of the deceased.

3.The learned counsel for the petitioner stated that there were no dowry demand between the petitioner and the deceased and that it was the first accused who had actually given jewels and they were kept by her in her father's house. It is stated that the petitioner is innocent of any of the offences alleged.

4.A counter affidavit had been filed by the respondent, wherein it had been stated that during the course of investigation, the statement of 5 witnesses have been recorded and on the basis of the statement of the witnesses, the offence had been altered to Section 304(b) IPC. It is also stated that the investigation has proceeded to a substantial extent.

5.The learned Government Advocate (crl.side) has forwarded a report dated 22.07.2023 in Na.Ka.No.1484/2023/A1 of the Revenue



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Division Officer, Sriperumbudur, wherein, as a conclusion on enquiry, he had stated that the deceased had committed suicide not owing to demand for dowry but owing to various disputes in the marital life.

6. Taking all these factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sriperambadur** 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, everyday 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 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.

21.02.2024

vkr

To

1. The Judicial Magistrate, Sriperambadur.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
Manimangalam Police Station,
Manimangalam, Kanchipuram District.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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