



CRL O.P. No.21644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :09.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21644 of 2024

R.Prem Kumar

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
T-10, Manimangalam Police Station,
Chennai.

(Crime No.239 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.239 of 2024, on the file of the respondent.

For Petitioner : Mr.K.Kamal

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.07.2024 for the offence punishable under Section 194(3)(iii) of BNSS, 2023, and subsequently altered to Section 108(1) of BNS, 2023, in Crime No.239 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant's sister and the petitioner got married on 16.11.2023 and after 13 days of the marriage, this petitioner along with his family members mortgaged the defacto complainant's sister's 6 sovereigns of jewels. Further, the petitioner is drunkard and the petitioner picked up quarrel with his sister and his family members also demanded to get Rs.2,00,000/- from the defacto complainant for discharging his family debts and on his refusal, his sister was forcefully sent out from his house and she was living separately, when his sister demanded to return back her jewel from the petitioner, the petitioner along with the other accused, assaulted her and on the same day, the father of the petitioner informed to the defacto complainant that her sister was died by suicide. Hence, the case.



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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 17.07.2024. He would further submit that there was misunderstanding between the petitioner and the deceased, due to which, the petitioner scolded the defacto complainant and demanded dowry. He would also submit that there is no previous case against the petitioner and the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to dowry dispute, the petitioner along with the other accused, harassed the deceased and assaulted her, as a result of which, the deceased committed suicide by hanging. He would further submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and that there was a family dispute between the parties in respect of pledging of jewels and also considering that there is no previous case pending against the petitioner and the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **Judicial Magistrate Court, Sriperumbadhur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

09.09.2024

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To

- 1.The Judicial Magistrate Court, Sriperumbadthur.
- 2.The Inspector of Police,
T-10, Manimangalam Police Station,
Chennai.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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