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Crl.O.P.No.24512 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.24512 of 2024

Kumar

... Petitioner

Vs.

State represented by,
The Sub-Inspector of Police,
Pallikonda Police Station,
Vellore District.
(Crime No. 358 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.358 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.S.Silambu Selvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.07.2024, for the alleged offence punishable under Section 174(3) of



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Cr.P.C @ Section 498(A), 306 of IPC, in Crime No.358 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to a matrimonial dispute, the petitioner and his family members demanded dowry from the deceased. As a result, she committed suicide along with her daughter by jumping into a nearby well. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner has not asked for any dowry till date of occurrence day, and he is no way connected with the alleged offence. He would further submit that the petitioner was arrested and is in judicial custody from 19.07.2024 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that there are totally three accused



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in this case and the petitioner herein is arrayed as A1. He further submit on the date of the alleged occurrence, due to a matrimonial dispute, continuously tortured the deceased for dowry, for which, she committed suicide along with her daughter, aged 1 ½ years, by jumping into a nearby well. He further submit that the petitioner has no previous case, pending against him. He further submits that the investigation was completed and the final report was also filed. However, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submission made by the learned counsel on either side, nature of offence, considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case pending against him, investigation was completed and the final report was also filed and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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7. 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 Judicial Magistrate No.5, Vellore, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

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

[e] 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

14.10.2024

drl

To

- 1.The Judicial Magistrate No.5,
Vellore.
- 2.The Sub-Inspector of Police,
Pallikonda Police Station,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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