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Crl.O.P.No.27921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

Crl.O.P.No.27921 of 2024

Karthick

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
(Crime No.120 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.120 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.10.2024, seeking bail in Crime No.120 of 2024 registered under Section 174(3) of Cr.P.C and Section 498(A) of IPC and later, altered for the offence under Section 306 of IPC.



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2. The case of the prosecution as per the de facto complainant, is that the marriage between the victim and the petitioner was solemnized on 15.04.2022 and when the victim got pregnant, she came to her parents house and delivered a male child. Thereafter, due to the harassment for wanting dowry, the victim had committed suicide by hanging in her parental home. Based on the complaint given by the de facto complainant, a case in Crime No.120 of 2024 came to be registered under Section 174(3) of Cr.P.C and Section 498(A) of IPC. Later, during the course of investigation, it came to light, the petitioner had developed illicit intimacy with his sister-in-law and when it was questioned by the victim, there was a quarrel between the petitioner and victim, thereby, the victim had committed suicide by hanging. Therefore, the case has been altered to one under Section 306 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the marriage between the petitioner and the victim/deceased was solemnised during the year of 2022 and out of their wedlock, they have got one male child. He also submitted that the victim has committed suicide only on suspecting the petitioner that he was having an illicit affair with his sister-in-law



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and there is no demand of dowry or harassment. He further submitted that the petitioner has not abetted the victim to commit suicide and therefore, the offence under Section 306 IPC is not made out. He further submitted that the petitioner is in custody from 15.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail, submitted that the petitioner is none other than the husband of the victim/deceased. He also submitted that the petitioner was having an illicit affair with the wife of his brother, due to which, the victim has committed suicide by hanging in her parental home.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the Report filed by the Revenue Divisional Officer, Krishnagiri.

6. Taking into consideration the facts and the submissions made by the



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learned counsel on either side and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Uthangarai**, 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, B1 North Beach Police Station, Chennai, everyday at 10.30 a.m., for a period of one month and thereafter, report before the respondent Police, every Saturday 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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

12.11.2024

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To

1. The District Munsif cum Judicial Magistrate,
Uthangarai.
2. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
3. The District Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
B1, North Beach Police Station,
Chennai.

A.D.JAGADISH CHANDIRA., J.

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