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Crl.O.P.No.28437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28437 of 2024

K.Suresh

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Annadhanapatty Police Station,
Anndhanapatty,
Salem City, Salem.
(Crime No. 193 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in Crime No.193 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.C.Prakasam

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody



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on 03.10.2024, for the alleged offence punishable under Section 174(3) altered into 304(b) of IPC, in Crime No.193 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased married the petitioner in the year 2020 and there was dowry harassment in the matrimonial house, due to which, the deceased was living with her parents house. While so, on 22.03.2024, the deceased committed suicide. Hence, the respondent police has registered a case against the petitioner.

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 has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody from 03.10.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police opposes the grant of bail to the petitioner by stating that due to the dowry harassment made by the petitioner's family, the deceased committed suicide. He further submits that during investigation it was revealed that the parents provided 45 sovereigns of gold jewels to her, 5 sovereigns of gold bracelet to the petitioner, 5 kilo of silver articles and other house-hold articles to her. About six months after the marriage, the petitioner along with other accused demanded dowry, for which, the deceased went with her parents house and committed suicide. He further submits that the petitioner has two previous cases pending against him. He further submits that A3, mother of the petitioner is still absconding and investigation is almost completed.

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

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioner from 03.10.2024, there is a matrimonial dispute between the parties, even as per the prosecution, six months prior to the date of marriage, the deceased went to her parents house,



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the material part of the investigation is also completed, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 learned Judicial Magistrate/Additional Mahila Court, Salem, 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;



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[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 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.

20.11.2024

drl

To

- 1.The Judicial Magistrate/
Additional Mahila Court, Salem.
- 2.The Inspector of Police,
Annadhanapatty Police Station,
Anndhanapatty,
Salem City, Salem.
- 3.The Superintendent,
Central Jail, Salem, Salem District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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