

In the Court of the Principal Sessions Judge, Sivagangai
Present: Tmt.M.Sumathi Sai Priya, B.Sc., M.A., M.L., P.G.D.P.M., & I.R.,

Principal Sessions Judge, Sivagangai

Tuesday, the 18th day of October - 2022

(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,

Aippasi Thingal 01st Day)

Criminal Miscellaneous Petition No.4472/2022

CNR No. TNSV010052472022

Sakthipandi, (Age 27), (A1), S/o.Sabarimalai,
154-1 Puthukudiruppu, Padamathur, Sivagangai Taluk & District.

...Petitioner/Accused

/Vs/

State through the Inspector of Police,
Thiruppachethi Police Station,
Cr.No.129/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.M.Ramprabhakar, Advocate for the Petitioner/Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides and on perusing the material records, this court delivered the following;

ORDER

The petition dated:10.10.2022 has been filed u/s. 439 of Cr.P.C, praying to grant bail to the petitioner/accused for the offences punishable under sections 174(3) of Cr.P.C @ 498(A), 304(B) of IPC.

The respondent police has registered a case against the petitioner in Crime No.129/2022 for the alleged offences under sections 174(3) of Cr.P.C @ 498(A), 304(B) of IPC. The alleged date of occurrence was 02.09.2022. The FIR was registered on 02.09.2022. The petitioner/accused was remanded on 03.09.2022

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the records.

On perusal of FIR, it has been noted that a case has been registered for the offences under sections 174(3) of Cr.P.C @ 498(A), 304(B) of IPC., on the allegation that due to family dispute between the parties, the petitioner along with other accused persons subjected the sister of the *defacto* complainant to cruelty, demanding dowry and also they committed the offence of dowry death to her under normal circumstances within seven years of her marriage. Thus, a case has been registered against the petitioner along with the other accused.

The learned counsel for the petitioner/accused contended that the innocent petitioner had not committed any such offences, he has been falsely implicated in this case. Further, the deceased Mahabarathi committed suicide only she suffered from stomach pain and he is no way connected in this case and further, no previous complaint was registered against the petitioner that he had harassed the deceased by demanding dowry. He has also contended that there is no previous case pending against the petitioner/accused and co-accused was already enlarged on bail by this Court in CrI.M.P.4246/2022, dated:27.09.2022 and he is in judicial custody for the past 46 days, therefore if the petitioner/accused is released on bail, he is willing to offer substantial sureties for his appearance before this Court. Hence prays to enlarge the petitioner on bail.

On the other hand, the learned Public Prosecutor has contended that though there is no previous case pending against the petitioner/accused and co-

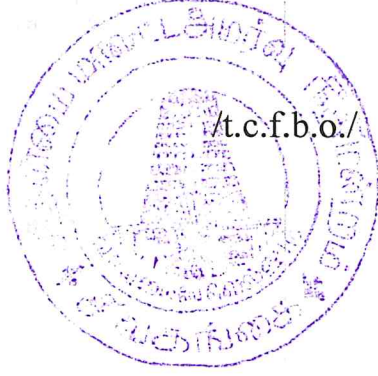
accused was already enlarged on bail by this Court in Crl.M.P.4246/2022, dated:27.09.2022, but the investigation is still pending, therefore if the petitioner is released on bail, he would abscond and also he may tamper with the material witnesses, thereby hampering the investigation. Therefore, he would raise his strong objection to enlarge the petitioner on bail. Hence, prays to dismiss the petition.

On considering the rival submissions made on both side and on perusal of case records and other relevant records though would show that the alleged date of occurrence was 02.09.2022 and that there is no previous case pending against the petitioner/accused and co-accused was already enlarged on bail by this Court in Crl.M.P.4246/2022, dated:27.09.2022. But, there is specific overt act against the petitioner/accused and it was also strongly contended by the learned Public Prosecutor that investigation is still pending, therefore if the petitioners/accused are enlarged on bail, in all probability, he might abscond and also influence the investigation, thereby changing the course of the entire case. Hence, on considering the vehement objection raised by the learned Public Prosecutor and the nature of offences, which are grave, this Court is of the considered view that it may not be ideal to enlarge the petitioner/accused on bail at this nascent stage of investigation. Thus, it is decided.

In the result, in the interest of justice this bail petition is dismissed.

.4.

Pronounced by me in Open Court, this the 18th day of October-2022.



(S/d).M.Sumathi Sai Priya,
Principal Sessions Judge,
Sivagangai.

G Venkateswara
18-10-2022
Sherishtadar,
Principal District Court,
Sivagangai.

BM
18/10/22

To:-

Thiru.M.Ramprabhakar, Advocate for the Petitioner/Accused.

D.NO 9836
18/10/22

Principal Sessions Court,
Sivagangai

Cr.M.P.No.4472/2022

Order dated:18.10.2022