

CRL.O.P.No.15849 of 2016S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 28.4.2016 for the alleged offence punishable under Section 304(B) IPC in Crime No.371 of 2014 on the file of the respondent police, **seeks bail.**

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the petitioner is alleged to have demanded dowry from his wife and started to illtreat and harass her. Being unable to tolerate the cruelty and harassment made by the petitioner, his wife committed suicide by hanging.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is under incarceration for the past 90 days.

5. Learned Government Advocate (Crl. Side) submitted that investigation is yet to be completed and charge sheet is yet to be filed.

6. Considering the facts and circumstances of the case and taking note of the fact that investigation is still pending and charge sheet is yet to be filed and further the petitioner is under judicial custody for more than 90 days, this Court is of the view that custodial interrogation of the petitioner is not required, since he is in judicial custody from 28.4.2016. **Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:**

(i) the petitioner shall 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, Thirukalikundram;**

(iii) the petitioner is directed to appear before the respondent police daily twice at 10.30 a.m. and 5.30 p.m., until further orders;

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(iv) the petitioner shall not leave the State of Tamilnadu without obtaining prior permission from the trial Court till the disposal of this case;

(v) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(vi) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

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02.08.2016

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