

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20188 of 2018

HARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
KARIPATTI POLICE STATION,
SALEM DISTRICT.
CR.NO.153 OF 2018.

For Petitioner : M/S.R.NALLIYAPPAN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL.Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested on 10.07.2018 for the offence under Sections 174 (iii) Cr.P.C. altered to 306 of I.P.C. in Cr.No.153 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was married to the defacto complainant's daughter/ deceased on 15.11.2013. They were blessed with two children. After the birth of the children, the petitioner had tortured the deceased and demanded additional dowry due to which, the defacto complainant's daughter committed suicide by hanging in the matrimonial house. Hence, based on the complaint given by the defacto complainant the case came to be registered by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and it is only a family dispute between the petitioner and the deceased. He would further submit that the petitioner has been falsely implicated in this case.

4.The learned Additional Public Prosecutor submits that initially the case was registered under Section 174 (iii) Cr.P.C and after investigation, it was altered to one under Section 306 of I.P.C. He would further submit that there is no previous case against the petitioner.

5.Considering the period of incarceration and also the fact that there is no previous case against the petitioner, I am inclined to grant bail to the petitioner.

6.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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Valappadi, and on further condition 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 report before the respondent police daily at 10.30 a.m, until further orders;

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

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

(e)on breach of any of the aforesaid conditions, the learned 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 229-A IPC.

-sd/-

20/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALAPPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

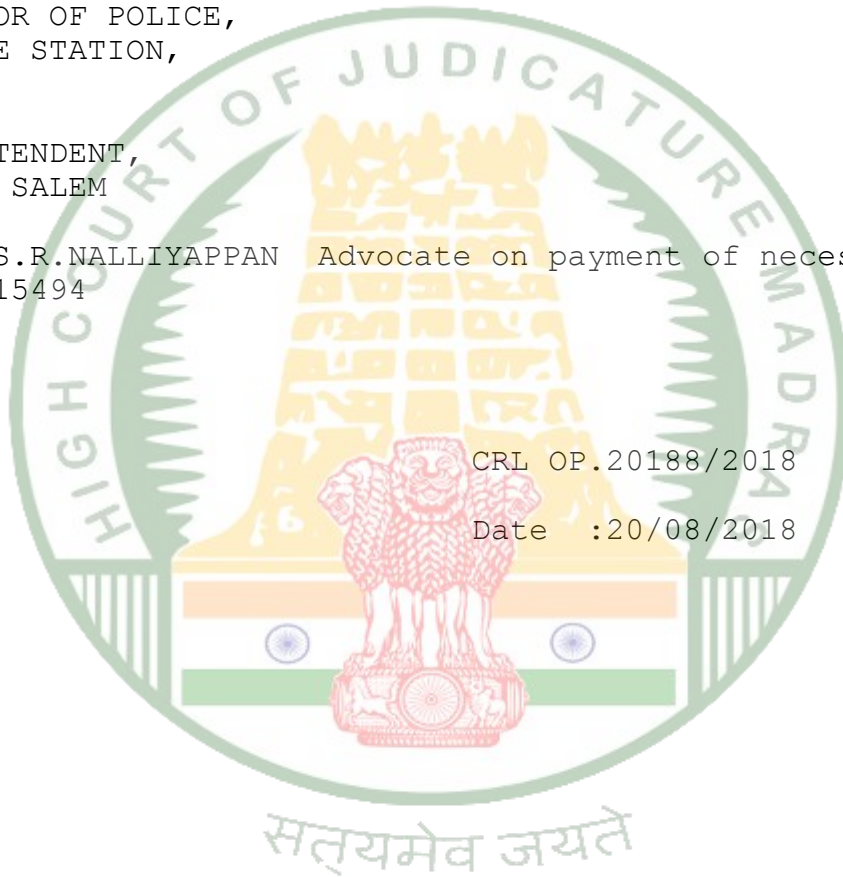
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIPATTI POLICE STATION,
SALEM DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR.NO. 15494

cm 20/08/2018



CRL OP.20188/2018

Date :20/08/2018

WEB COPY