

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.9238 of 2019

M.SELVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE SUB INSPECTOR OF POLICE [RESPONDENT]
V.KULATHUR POLICE STATION,
PERAMBALUR DISTRICT.
CR.NO.251 OF 2018

For Petitioner : M/S.E.C.RAMESH Advocate

For Respondent : MR. C.RAGHAVAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 26.03.2019 for the offence under Sections 498(A), 304(B) IPC in Crime No.251 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the wife of the petitioner had committed suicide and originally an F.I.R was registered under Section 174(3) of Cr.P.C. Later it came to be known that there was a dowry demand by the accused person and the deceased was treated with cruelty by the petitioner and therefore, the deceased took the extreme step of committing suicide and subsequently, the FIR was altered to Sections 498(A), 304(B) IPC.

3. The learned counsel for the petitioner submitted that originally the case was registered under Section 174(3) of Cr.P.C and subsequently, the Revenue Divisional Officer (RDO) conducted an enquiry and based on the RDO report, the case has been altered to Sections 498(A), 304(B) IPC and he further submitted that the petitioner was arrested and remanded to judicial custody on 26.03.2019 and he is in judicial custody for the past 58 days. The learned counsel further submitted that the petitioner has not committed any offence and therefore, he prayed to grant bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) submitted that the RDO report reveals that the petitioner has demanded dowry and caused cruelty and due to the said cruelty, the deceased committed suicide. He further submitted that the investigation is still pending and hence, he strongly opposed to grant bail to this petitioner.

5. This Court has carefully considered the submissions made on either side.

6. Taking into consideration the fact that originally the case was registered under Section 174(3) of Cr.P.C and also of the fact that the petitioner is in judicial custody from 26.03.2019 onwards and by this time, the major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioner by imposing 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, Perambalur 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 Trichy and report before the Inspector of Police, Trichy Town Police Station, Trichy, 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

22/05/2019

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 JUDICIAL MAGISTRATE,
PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
V.KULATHUR POLICE STATION,
PERAMBALUR DISTRICT.

5 THE INSPECTOR OF POLICE,
TRICHY TOWN POLICE STATION,
TRICHY

6 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPALLI

CC to M/S.E.C.RAMESH Advocate on payment of necessary charges
Sr.10081

CRL OP.9238/2019

Date :22/05/2019

rvr 22/05/2019

WEB COPY