

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.16275 of 2019

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY
THE SUB INSPECTOR OF POLICE
CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.320 OF 2019.

For Petitioner : M/S.BALAKRISHNAN R. Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.05.2019 for the offences punishable under Section 174 (3) of Cr.P.C. @ under Section 306 of I.P.C. in Crime No.320 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner got married the deceased and blessed with two children. The petitioner very often quarrel with the deceased and also demanded vehicle, jewels and cash from the deceased on 10.05.2019. Further, on 17.05.2019, the deceased committed suicide by set fire on her own, the entire house has been burnt, therefore, she died. Hence the complaint.

3.The learned counsel for the petitioner would submit that he is not at all present in the scene of occurrence he was away with his two children in the field. Further, even according to the RDO's report there is no dowry demand from the defacto complainant and also no cruelty found in the report. Therefore, the petitioner may be granted on bail.

4.The learned Additional Public Prosecutor would submit that though the RDO's enquiry says that there is no dowry demand but there is a possibility of murder of the deceased. She further submitted

that there is quarrel between the petitioner and the deceased and FIR was registered for the offences punishable under Section 174 (3) of Cr.P.C. @ under Section 306 of I.P.C. Therefore, she vehemently opposed to grant the bail to the petitioner.

5.It is seen that the petitioner is a sole accused and due to wedlock, he blessed with the two children. On the date of occurrence, the deceased set fire on her own, the entire house was burnt, therefore, she died. Further, it is also seen from the RDO's report that there is no dowry demand.

6.Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on his executing a bond with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam 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 report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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/-

08/07/2019

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

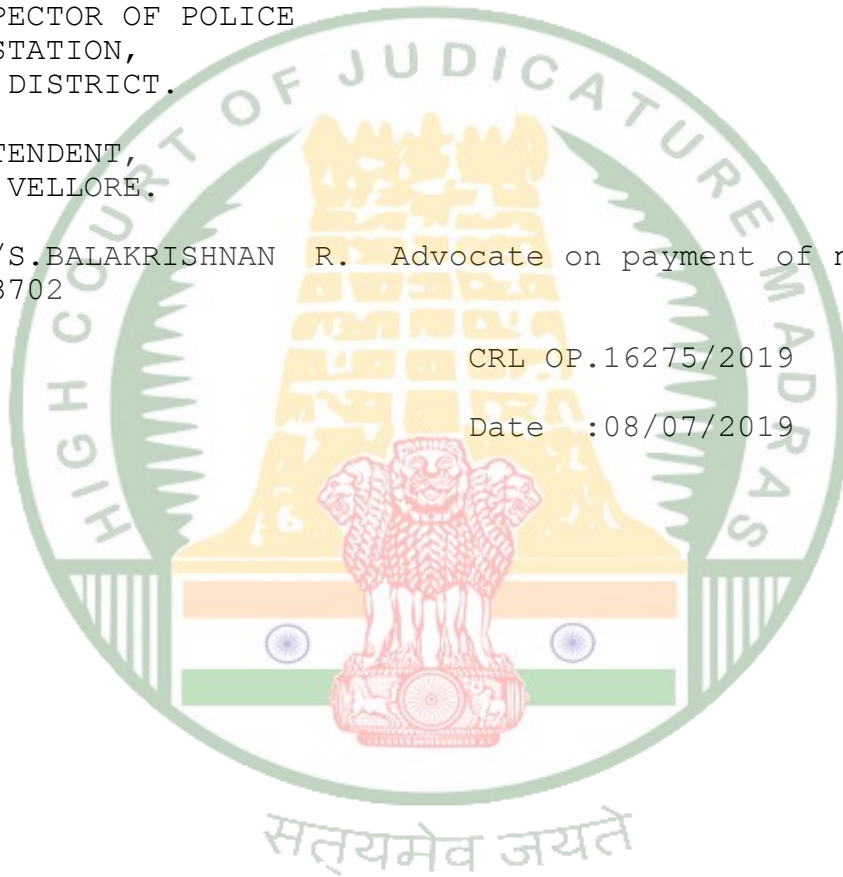
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.BALAKRISHNAN R. Advocate on payment of necessary
charges SR.NO.13702

CRL OP.16275/2019

Date :08/07/2019

TA-09/07/2019



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