

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.6973 of 2020

Balu,
S/o.Nalluthevar,
Thiyagarajanagar,
Kizhamariyamman Kovil Street,
Sirkazhi.
Now at :No13,
PKT Nagar, Thenpathi,
Sirkazhi.

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.
(Crime No.36 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.36 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded on judicial custody on 02.02.2020 for the offence punishable under Sections 174(3) subsequently altered to 302 IPC.

2. The case of the prosecution is that the petitioner married one Nadiyammal on 03.11.2019. After marriage the petitioner suspected her character and quarrel arose between them. On 30.01.2020, the victim hanged herself. The respondent Police register FIR under Section 173(4) Cr.P.C and after investigation altered to 302 IPC against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any such offence. The petitioner's wife has committed suicide for various other reasons and prayed for enlargement of the petitioner on bail.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner married Nadiyammal on 03.11.2019 and within a period of two months the petitioner quarrel with his wife suspecting her fertility and she committed suicide by hanging herself. Initially the case was registered against the petitioner under Section 174(3) Cr.P.C and after investigation altered to 302 IPC and the petitioner was arrested on 02.02.2020. Therefore, he strongly objected to enlarge the petitioner on bail.

5. It is seen from the records that this Court by an order dated 26.03.2020 had released the petitioner on interim bail till 27.04.2020 on

executing own bond for a sum of Rs.10,000/- before the Superintendent of the prison concerned and directed to list the case for further orders on 20.04.2020, that is the reason the present case has been posted today. Considering the submissions and since the petitioner has already been granted interim bail, this Court is inclined to grant regular bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

M.NIRMAL KUMAR, J.

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6. With the above directions, this Criminal Original Petition is ordered.

10.06.2020

rst
To

1. The learned Judicial Magistrate, Sirkazhi.
2. The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison, Trichy.



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