

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.No.9187 of 2020

Bisal Ahamed

... Petitioner

-VS-

State represented by  
The Inspector of Police,  
Palladam Police Station,  
Tiruppur.  
Crime No. 1247 of 2020.

... Respondent

**PRAYER:-** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1247 of 2020 on the file of the respondent police.

For Petitioner : Mr. J. Franklin

For Respondent : Mr. K. Prabakar  
Additional Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The Petitioner, who was arrested and remanded to judicial custody on 13.05.2020 for the offences punishable under Sections 306 and 201 of the Indian Penal Code, 1860, in Crime No. 1247 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Petitioner suspecting the fidelity of his wife had harassed her due to which, she had committed suicide by hanging.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that the victim had committed suicide due to various other reasons and he would further submit that even the preliminary investigation reveals that it is not the case of dowry death.

4.The learned Additional Public Prosecutor would submit that the Petitioner who got married to the deceased on 11.12.2016 continued harassing the deceased suspecting her fidelity due to which she

committed suicide by hanging on 13.05.2020. He would further submit that the RDO report is pending. However, he would fairly submit that as per the complaint given by one Abhulhamithu, father of the deceased, the Petitioner had been continuously harassing the victim suspecting her fidelity and opposed for granting bail.

5. Taking into consideration of the facts and circumstance of this case, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined on his release;

(b) Thereafter, the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Palladam within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

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

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

-sd/-  
22/06/2020

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,  
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PALLADAM POLICE STATION,  
TIRUPPUR.

5 THE SUPERINTENDENT OF PRISON,  
CENTRAL PRISON, COIMBATORE.

CC to M/S J.FRANKLIN Advocate on payment of necessary charges

CRL OP.9187/2020

Date :22/06/2020

TA-16/07/2020

WEB COPY