

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10179 of 2020

1.Murugasan
2.Govindharaj

... Petitioners

Vs.

The State Rep. by the
Sub Inspector of Police
Thirupathur Taluk Police Station
Vellore District
(Crime No.495 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.495 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 24.05.2020 for the offence punishable under Sections 174 of Cr.P.C. subsequently it was altered into 498(A), 306 IPC in Crime No.495 of 2020, seek bail.

2. The case of the prosecution is that the deceased Tharani is the daughter of the defacto complainant. On 11.07.2016 the marriage was solemnized between the 1st petitioner and the deceased Tharani, during their wedlock two children were born to them. While so, there was a dispute in partition of land between the petitioners and their father. Since the father of the 1st petitioner tried to allot him dry land as his share, the deceased was agitated and the same was questioned by her, for which, the family members of the petitioners have abused her, thereby, she committed suicide.

3.The learned counsel appearing for the petitioners would submit that the 1st petitioner and the deceased got married in the year 2016. The deceased had some psychiatric problem and so she had committed suicide. Even as per F.I.R., it has been stated that there is a dispute in sharing of the property between the petitioners and the

deceased had forced her husband to get the wet land instead of dry land as his share. There is no dowry harassment in this case and there is no allegation against these petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the deceased had been suffering from stomach pain from the morning, when the 1st petitioner was asked to purchase tablet from the medical shop, the 1st petitioner without getting it immediately, he lethargically brought it in the evening, due to which, the victim committed suicide. Investigation is pending.

5.Considering the facts and circumstances, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Thiruppathur, 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30 a.m. until further orders.

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

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

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

07/07/2020

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,
NO.II, THIRUPPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
THIRUPATHUR TALUK POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10179/2020

Date :07/07/2020

RVR 02/09/2020

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