

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12644 of 2020

Mr.Saiful  
S/o.Fatik

... Petitioner

Vs.

The State rep by  
The Inspector of Police,  
S-13, Chrompet Police Station,  
Chennai.  
(Crime No.375 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.375 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.06.2020 for the offences punishable under Section 174 of Cr.P.C. @ 306 of IPC, in Crime No.375 of 2020, seeks bail.

2.The case of the prosecution is that the case was registered based on the complaint given by the petitioner that his wife committed suicide. Based on the complaint, originally the case was registered under Section 174 Cr.P.C. Thereafter, during the course of the investigation, it came to light that the deceased was the 2<sup>nd</sup> wife of the petitioner and that they were living together without getting their marriage registered. It is stated that he deceased had insisted the petitioner to marry her in front of their friends and family members and it was refused by the petitioner. Due to which, his wife has committed suicide. Thereafter, the case was altered to offence one under Section 302 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and even the investigation reveals that the petitioner has not abetted the victim to commit suicide and that due to a quarrel, the victim has committed suicide

by hanging herself. He would further submit that the petitioner was arrested on 12.06.2020 and he has been inside jail for more than 70 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner and the deceased are residents of West Bengal and the petitioner was working here in Chennai. The petitioner and the deceased were living together and the deceased has insisted the petitioner to marry her in front of their relatives and friends at their native place. Due to which, there was a quarrel between them and thereafter, the deceased committed suicide by hanging herself. He would further submit that the petitioner is a resident of West Bengal and if bail is granted, he may abscond. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is prepared to produce local sureties before the learned Judicial Magistrate, Tambaram.

6.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the period of incarceration, 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 condition to execute 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.5,000/- (Rupees five thousand only) each, out of which one should be a local surety, before the learned Judicial Magistrate No.I, Tambaram, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 5.30 p.m. until further orders.

(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 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.

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

-sd/-

21/08/2020

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.I, TAMBARAM

2 THE OFFICER INCHARGE  
SUB-JAIL, SAIDAPET, CHENNAI

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAI,

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
S-13, CHROMPET POLICE STATION, CHENNAI.

CC to M/S. A.SARANRAJ Advocate on payment of necessary charges

WEB COPY

CRL OP.12644/2020

Date :21/08/2020

RD 04/09/2020