

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Crl.O.P.No.13336 of 2020

Saravanan

... Petitioner

Vs.

The State Rep. by
The inspector of Police,
Madhavaram Milk Colony Police Station,
Madhavaram.

Crime No.2350 of 2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.2350 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Sathyaraj
P.Venkatesan

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 18.07.2020 for the offences punishable under Section 306 IPC in Crime No.2350 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that his daughter Devi was given in marriage to the petitioner in the year 2011 and out of the wedlock, they have two children. While so, there is misunderstanding between his daughter and son in law and divorce case was pending before the Family Court. While so, the petitioner had induced the victim to come and live with him and that she has gone to live with him and within 15 days, on 13.07.2020, the petitioner had called the defacto complainant and informed that his daughter has consumed poison and admitted in hospital in serious condition and she passed away on 16.07.2020. Thereafter, a case was registered for the offences punishable under section 306 IPC.

3. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the victim took place during the year 2011 and out of the wedlock they have two children. He would submit that during the matrimonial life, the victim developed illicit intimacy with one Dominic, due to which they got separated and both of them have filed for

divorce with mutual consent in O.P. No.429 of 2020 and due to the intervention of the family elders and considering the life of their children they both joined together. He further submitted that the abovesaid Dominic who was having illicit relationship with the victim called her and harassed her, due to which she committed suicide and a false complainant has been given against the petitioner that the petitioner is responsible for the suicide and the petitioner was arrested on 18.07.2020. He submitted that the major part of investigation is over.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner and the victim got married during the year 2011 and they have two children and later they got separated and the petitioner had induced her to come and live with him on the promise of keeping her well but the petitioner harassed her and due to which she committed suicide by consuming poison and also submitted that investigation is pending.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner from 18.07.2020, 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 **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, and execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned District Munsif Cum Judicial Magistrate, Madhavaram, 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 on his release from prison, shall report before the respondent police everyday at 10.30 a.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 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/-

01/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHAVARAM MILK COLONY POLICE STATION,
MADHAVARAM.

+1 CC to M/S.S.SATHYARAJ Advocate on payment of necessary charges SR.NO. 6093

CRL OP.13336/2020

Date :01/09/2020

GKS:04/09/2020

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