

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2020

CORAM :

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

CRL.O.P.No.14832 of 2020

Balaji

... Petitioner

Vs.

The State, represented by
the Inspector of Police
Uthiramerur Police Station
Uthiramerur
(Crime No.1315 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.1315 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s.AL Ganthimathi

For Respondent : Mr.S.Thankira
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 24.07.2020 for the offence punishable under Section 302 IPC, in Crime No.1315 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant / mother of the deceased is that her married daughter was found dead in a suspicious circumstances inside the bathroom of their house. Based on the complaint given by her, a case was initially registered on 08.07.2020 for the offence under Section 174 (3) Cr.P.C.During the course of investigation, the fact came to light that since the daughter of the defacto complainant even after her marriage continued illegal affair with her boy friend and thereby, the petitioner, who is the father of the deceased, committed murder of his daughter by strangulation.

3. The learned counsel appearing for the petitioner would submit that the daughter of the petitioner committed suicide. Whereas, it has been projected as a case of murder. He would further submit that this is second application for bail and the

earlier petition was dismissed by this Court on 21.08.2020 and the petitioner has been suffering incarceration for almost two months from 24.07.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that it is a case where the petitioner who is the father has committed murder of his own daughter since, she was having illegal affair with some other person after her marriage. She would further submit that the investigation has been completed and the final report is pending for opinion from the Assistant Director of Prosecution. Hence, she vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the investigation has been completed and also considering the period of incarceration suffered by the petitioner, 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Uthiramerur, within a period of two weeks from the date of 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 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/-
22/09/2020

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 JUDICIAL MAGISTRATE, UTHIRAMERUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION, UTHIRAMERUR.

+1 CC to M/S. AL.GANTHIMATHI Advocate on payment of
necessary charges SR.NO.6375

CRL OP.14832/2020

Date :22/09/2020

GKS:24/09/2020