

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15416 of 2020

V.Sivakumar

... Petitioner/Sole Accused

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Periyanaikkanpalayam Police Station,
Coimbatore District.
(Crime No. 995 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 995 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mrs.S.Thankira

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.09.2020 for the offences punishable under Section 306 of IPC, in Crime No. 995 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Rajamani, who is that mother of the deceased, is that her daughter Ambiga was married to the petitioner herein during the year 2007 and after the marriage there were frequent quarrels between them and the accused used to demand the money from his wife. Therefore, during the year 2018, defacto complainant had sold her property and given Rs.10,00,000/- to her daughter. Whiles, on 28.08.2020, she had received the information that due to the harassment given by the petitioner, her daughter has consumed pesticide and that on 03.09.2020, she died without responding to treatment. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner and the deceased were married during the year 2007 and that they have got two children. He would submit that due to the reasons unknown, the deceased had consumed the poison on 28.08.2020 and immediately, the petitioner had admitted her in the hospital and he was taking care of his wife and unfortunately, she died on 03.09.2020. He would further submit that the defacto complainant, who is the mother of the deceased did not come to the hospital despite the intimation given to her on 28.08.2020. He would further submit that even in FIR it is stated that the death was intimated to the defacto complainant through one Rajesh through phone. He would submit that though the intimation was given to the Outpost Police Station of the Coimabtoire Government Hospital on 28.08.2020 and the victim passed away only on 03.09.2020, the respondent police did not take any statement from the deceased or from the petitioner. He would submit that the victim has not left any suicide notice and that the petitioner is taking care of his children. He would further submit that the petitioner is in custody from 04.09.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner/accused married to the deceased during the year 2007 and that the petitioner had continuously harassed and tortured her by demanding money. Therefore, the mother of the deceased had given Rs.10,00,000/- to the deceased and thereafter also, the accused used to harass the victim, due to which, she has committed suicide by consuming poison. She would submit that the investigation is still pending and that there is every possibility of tampering the evidence, if bail is granted to the petitioner. Hence, she vehemently opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 04.09.2020, 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 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 No. V, Coimbatore and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Madurai and report before the Vilakkuthoon Police Station every day at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/09/2020

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 NO.V,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYANAYAKKANPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

5 THE OFFICER INCHARGE
SUB-JAIL, UDUMALPET.

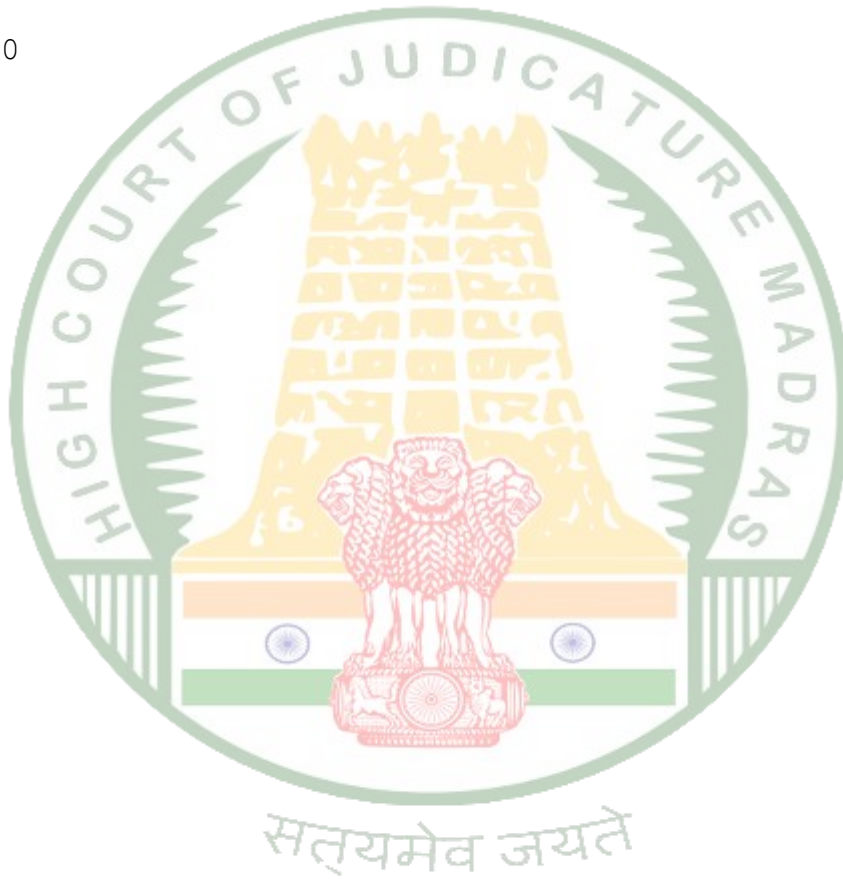
6 THE OFFICER INCHARGE
VILAKKUTHOON POLICE STATION,
MADURAI.

CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary
charges

CRL OP.15416/2020

Date :29/09/2020

TA-01/10/2020



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