

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.15483 of 2020

C.Rajamanickam

... Petitioner

Vs.

State by,

The Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
(Crime No.1262 / 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1262 of 2020 on the file of the respondent.

For Petitioner : Mr.D.Ashok Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.09.2020 for the offence punishable under **Sections 174 of Cr.P.C. @ 306 of IPC, in Crime No.1262 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner viz. Rajamanickam gave a complaint to the respondent police on 06.09.2020 stating that his wife had consumed poison on 25.08.2020 and he had taken her to the Thittakudi Government Hospital and thereafter she was referred to Perambalur Government Hospital for further treatment from there she was taken to the Trichy Government Hospital, where she breathed her last on 06.09.2020. Based on the complaint given by the petitioner, a case was registered in Crime No.1262 of 2020 under Section 174 Cr.P.C. During the course of investigation, the fact came to light that the petitioner who is the informant of this case had abetted his wife to consume poison, hence, the case was altered to 306 IPC.

3.The learned counsel appearing for the petitioner would submit that he is innocent and he has been falsely implicated in this case. He would further submit that during pandemic period, the petitioner was not having any work, due to which, the victim got depressed and consumed poison. He would further submit that the petitioner was the person who had admitted his wife in Government Hospital at Thittakudi immediately for treatment, thereafter, she was referred to Government Hospital at Perambalur and she was thereafter referred to Trichy Government Hospital for further treatment, where she breathed her last, hence, the petitioner has not abetted his wife to commit suicide and the petitioner was arrested only on suspicion and he is in custody from 14.09.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner has abetted his wife to commit suicide. He would further submit that the victim is the 2nd wife of the petitioner and the petitioner's 1st wife also died in similar circumstance and that there is suspicion with regard to the death of the victim.

5.At this juncture, the learned counsel for the petitioner would submit that the Accident Register itself discloses that the patient / victim was conscious at the time of admission at Tittakudi Government Hospital, and she has not stated anything against the petitioner. He would further submit that the petitioner is the person who had taken the victim to the hospital and spent for the medical expenses of the victim. The petitioner had not absconded or run away from the house. He would further submit that the petitioner is in custody from 14.09.2020.

6.Heard the learned counsel on either side. Perused F.I.R., Copy of the Accident Register and other materials placed on record.

7.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels 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 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, Thittakudi, Cuddalore District** 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 report before the respondent police everyday at 10.30 a.m. until further orders.

(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;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/10/2020

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
THITTAKUDI, CUDDALLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THITTAKUDI POLICE STATION,
CUDDALLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER,
SUB-JAIL, VILLUPURAM

6 THE SUPERINTENDENT
CUDDALORE PRISON, CUDDALORE.

CC to M/S.D.ASHOKKUMAR Advocate on payment of necessary
charges

CRL OP.15483/2020

Date :29/10/2020

TA-02/11/2020



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