

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15741 of 2020

Elumalai

... Petitioner/Accused(A1)

Vs.

The State represented by,
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
(Crime No. 2123 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 2123 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mrs.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 09.09.2020 for the offence punishable under Section 174(ii) of Cr.P.C., altered into 306 of IPC in Crime No. 2123 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant Nagenthdhiri, who is the mother of the deceased, is that the deceased Revathi, aged 24 years was married to the petitioner/A1 in the year 2018 and they have got one female child, aged five months and on the date of occurrence, due to wordy quarrel between the petitioner/A1 and the deceased, A2 to A4 have taken the baby from the custody of the deceased. Further allegation is that petitioner/A1 has tortured the deceased, due to which, on 08.09.2020, the victim had attempted to commit suicide by way of consuming poison and thereafter, she was admitted in Thiruvallur Government Hospital and later, she was referred to Rajivgandhi Hospital, Chennai and that she died on the same day. Originally, a case was registered under Section 174 Cr.P.C and later, during the course of investigation altered to one under Section 306 of IPC.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that on the

date of occurrence i.e., on 08.09.2020, the petitioner was working in his agricultural fields, which is 2 kms away from his residence. He would submit that victim has not attended to the child which was crying and thereby, the relatives of the petitioners have taken the child to their house and they have also reprimanded the victim for not taking care of the child and thereby, the victim had attempted to commit suicide by consuming poison. He would further submit that on information, the petitioner has come to his home and has taken the victim to the Thiruvallur Government Hospital and later, she was referred to Rajivgandhi Hospital, Chennai and where, she has breathed her last breath without responding to the treatment. He would further submit that the petitioner was arrested on 09.09.2020 and he is in custody for more than a month. 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/A1 and the deceased were married during the year 2018 and they have got one female child. He would submit that the petitioner had continuously harassed and tortured the victim and unable to bear harassment and torture, the victim had consumed poison on 08.09.2020 and thereby, she was admitted in the hospital and that without responding to the treatment, she died on 09.09.2020. He would further submit that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

6 Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the petitioner is in custody from 09.09.2020, 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.II, Thiruvallur 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 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;

(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.

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

-sd/-
08/10/2020

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,
NO.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to R.SASIKUMAR Advocate on payment of necessary charges
Sr.6724

CRL OP.15741/2020

Date :08/10/2020

RVR 09/10/2020