

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

CRL.O.P.No.16517 of 2020

SURESH BABU

... Petitioner

Vs.

State Rep.by Sub Inspector of Police,
Tirupattur Taluk Police Station,
Vellore District.
(Crime No.824/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.824 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.09.2020 for the offences punishable under Section 174(3) of Cr.P.C., subsequently it was altered into 294(b), 498(A), 306 of IPC, in Crime No.824 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, the father of the deceased Subbulakshmi is that there was dispute between his son-in-law and the brother of his son in law with regard to partition of the family property. While so, when his daughter / deceased interfered in the dispute, the petitioner had abused her, feeling agonized by the same, the victim had committed suicide by hanging.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the brother of the husband of the victim and there was a dispute between the brothers with regard to sharing of their family properties. While so, due to domestic quarrel with her husband, the victim committed suicide and now her husband in order to wreck vengeance, has given a false complaint as if the victim had committed suicide on account of the petitioner shouting at her.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the brother in law of the deceased. The brothers had dispute with regard to sharing of their family properties and when the deceased interfered in the said dispute, the petitioner abused her, due to which, the victim committed suicide. He would further submit that the investigation is pending.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner from 11.09.2020, 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, Tirupattur 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 on his release from prison shall stay at Hosur and report before the Hosur Town Police Station everyday at 10.30 a.m. till 20.11.2020 and thereafter, appear before the respondent police everyday at 10.30 a.m. until further orders. The petitioner shall not visit 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;

(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.

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

-sd/-

16/10/2020

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, TIRUPATTUR

2 THE JUDICIAL MAGISTRATE,
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE OFFICER INCHARGE,
HOSUR TOWN POLICE STATION,
HOSUR.

CC to Mr. E. Kannadasan Advocate on payment of necessary charges

CRL OP. 16517/2020

Date : 16/10/2020

RVR 19/10/2020

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