

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17659 of 2020

Sathish Kumar

... Petitioner

Vs.

State rep. By Sub Inspector of Police
Tirupattur Taluk Police Station
Vellore District
(Crime No.817 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.817 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.Shunmugarajeswaran
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 20.10.2020, for the offences punishable under Section 174 (3) Cr.P.C. Subsequently altered into 294(b), 498(A), 306 IPC, in Crime No.817 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant who is the father of the deceased had lodged a complaint stating that his daughter was given in marriage to the petitioner three years ago and they have one male child aged about two years. The further allegation is that the petitioner is working in a car factory situated in Hosur and he visit his house only during weekends and holidays and whenever he visited his house, he was always under the influence of alcohol, which was objected by the deceased. While so, on 06.09.2020 at an early hours at 3.00 a.m. the petitioner visited his house fully drunk and the same was objected by his wife and there was a quarrel between them, due to which, the deceased committed suicide by hanging. The case was originally registered for the offence under Section 174(3) Cr.P.C. and subsequently it was altered into 294(b), 498(A), 306 IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner was living happily with his wife and he is working in a car factory at Hosur, and the petitioner was in the habit of visiting his wife only during weekends and holidays. He would further submit that the petitioner is having two years old boy baby. He would further submit that his wife / deceased has taken extreme steps to prevent her husband from consuming alcohol. He would further submit that the boy baby is taken care of his parents and the investigation is almost completed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the deceased is the daughter of the defacto complainant. He would further submit that the petitioner has induced the deceased to commit suicide by hanging, as he was always fully drunk whenever he visited his house during the weekends and holidays. Hence, his wife committed suicide in her matrimonial house on 06.09.2020 at about 3.00 a.m. when the petitioner was very much available in the house and he has not given proper explanation as to why his wife had committed suicide. He would further submit that the case was originally registered for the offence under Section 174(3) Cr.P.C. and subsequently it was altered into 294(b), 498(A), 306 IPC. He would further submit that the RDO enquiry has been conducted and there was no demand of dowry and the victim has been subjected only to the cruelty and torture. He would further submit that the major part of the investigation is over

5.Heard both sides and perused the material placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the two years old boy baby is taken care by his parents and 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 likesum to the satisfaction of the learned Judicial Magistrate No.1I, 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 their release from prison shall report before the respondent police on all Saturdays and Sundays at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

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

-sd/-

23/11/2020

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 CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUPATTUR TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.17659/2020

Date :23/11/2020