

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18386 of 2020

Sathish Kumar

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Macheri Police Station,
Mettur Taluk, Salem District.
(Crime No.823 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.823 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Lenin Balu

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

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 19.10.2020 for the offence punishable under Section 304 (B) of IPC, in Crime No. 823 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the petitioner and the deceased took place on 19.10.2020. They were living together peacefully. On 14.09.2020, after the petitioner left the house for his regular work, the deceased committed suicide by hanging. Initially, a case was registered under Section 174 (3) Cr.P.C., altered into Section 304 (B) of IPC based on the RDO report. Hence, the complaint.

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 the deceased parents denied to go to her grand father's house. Therefore they stopped to speak with her, thereby, she committed suicide and the petitioner is in judicial custody from 19.10.2020 and seeks bail for the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the deceased left her suicide note and the suicide note itself stated that due to stomach pain, she committed suicide. He would further submit that RDO enquiry was completed and the report has been filed. Based on the RDO report, the case was altered into Section 304 (B) of IPC. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 19.10.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail and he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before learned Judicial Magistrate, Mettur Taluk, Salem District.

(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 daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., for a period of two weeks 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.

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

-sd/-

30/11/2020

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,
METTUR TALUK, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MACHERI POLICE STATION,
METTUR TALUK, SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM

CC to M/S B.LENIN BALU Advocate on payment of necessary charges
Sr.7844

CRL OP.18386/2020

Date :30/11/2020

RVR 02/12/2020

WEB COPY