

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18736 of 2020

Ganesh @ Murugan

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
(Cr.No.3040 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.3040 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.P.Parthipan

For Respondent : Mr.T.Shunmugarajeswaran

Govt. Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C @ 306 of IPC in Crime No.3040 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant Shankar is that his daughter Mohana Priya was given in marriage to the petitioner on 05.12.2011 and at the time of marriage, 40 sovereigns of gold jewels and other household articles were given. Right from the marriage, the petitioner used to quarrel with the de facto complainant's daughter. While so, on 06.08.2020, the de facto complainant received an information that his daughter had committed suicide by hanging, when he rushed to the house of petitioner, he found his daughter lying dead in a suspicious

circumstances. Based on the complaint, the case was registered originally for the offences under Section 174 Cr.P.C. During the course of investigation, it came to light that the petitioner developed illicit intimacy with another women and thereby, the victim committed suicide and hence, the case was altered into one under Section 306 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner's wife, suspecting that her husband had illicit intimacy with some other woman, committed suicide. He would submit that the marriage between the petitioner and the deceased took place on 05.12.2011 and they have got two sons and that the incident had happened only on suspicion. He would submit that even as per the FIR, there is no averments as if the petitioner abetted the victim to commit suicide and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the husband of the deceased and that the petitioner developed illicit intimacy with some other lady, due to which, his wife committed suicide. He would submit that the investigation is pending and hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-I, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] 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/-
18/12/2020

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.I,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.P.PARTHIPAN Advocate on payment of necessary charges

CRL OP.18736/2020

Date :18/12/2020

MK:07/01/2021