

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18633 of 2020

R.Kumar

... Petitioner

Vs.

The Inspector of Police,
M-6 Manali Police Station,
Manali, Chennai-68.
(Cr.No.347 of 2018)

... 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 Connection with the Crime No.347 of 2018 pending on the file of the respondent police.

For Petitioner : Mr.G.V.Shridharan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This 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 309 of IPC altered to Section 306 of IPC, in Crime No.347 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Lakshmi is that her husband suspected her fidelity and frequently quarrelled with her. While so, three weeks prior to occurrence, the Panchayat was conducted and during that time, the relatives and her husband abused her with filthy language, due to which she attempted to commit suicide by self immolation on 27.07.2018. Subsequently, she was admitted in the hospital and thereafter she died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased. He would submit that there was frequent family quarrels and the deceased had committed suicide as the petitioner's relatives abused her. He would further submit that the main accused in this case was granted anticipatory bail by this

Court in CrI.O.P.No.19498 of 2018 dated 13.08.2018. He would submit that the petitioner was not arrested so far. It is the occurrence of the year 2018. The petitioner was not arrested so far and the investigation is completed and the respondent also filed the final report. Hence, he prays for grant of anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor would submit that the petitioner is the husband of the deceased. The petitioner suspected her fidelity and there were frequent verbal quarrel between them and that the relatives had abused the deceased with filthy language and thereby she attempted suicide and later succumbed to injuries. He would submit that the investigation is completed and also filed the final report. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of 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 Judicial Magistrate, Thiruvottiyur, on condition that the petitioner shall 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 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 daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/12/2020

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
M-6 MANALI POLICE STATION,
MANALI, CHENNAI-68.

+2 CC to M/S.G.V.SRIDHARAN Advocate on payment of necessary charges
SR.No.8173

WEB COPY

CRL OP.18633/2020

Date :11/12/2020

cs 17/12/2020