

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18534 of 2020

Dhandapani

... Petitioner

Vs.

The Inspector of Police
Melpadi Police Station
Vellore District
(Crime No.131 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.131 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.D.Balaji

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 25.09.2020, for the offences punishable under Section **174 Cr.P.C. @ 294(b), 306 IPC**, in Crime No.131 of 2020 on the file of the respondent police, seeks bail.

2. Initially, a case was registered for the offence under Section 174 Cr.P.C. on the complaint of the mother of the deceased one Vennila. The occurrence said to have taken place on 15.04.2020 and the case was registered on 25.09.2020 under Section **174 Cr.P.C. and later @ 294(b), 306 IPC**. Petitioner / A1 is the husband of the deceased, and their marriage is a love marriage and they were married 11 years before and they have two children aged about 8 and 9 years. A2 and A3 are father in law and mother in law, they reside nearby. A4 is the sister in law who also got married and living separately. The petitioner as well as his parents have objected the victim speaking over the mobile phone very frequently and there was a wordy quarrel between them in this regard. On the date of occurrence, the deceased was scolded for

the said act, due to which, she went inside the room and locked the door and by pouring kerosene set fire on her and committed suicide. The petitioner herein who was available at that time, broke open the door and attempted to save his wife and took her to CMC Vellore Hospital for treatment, during the attempt of saving his wife, the petitioner had also sustained burn injuries. The victim sustained 25 to 30% burn injuries and succumbed to injuries.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner had objected the deceased speaking over the phone and using social media frequently without concentrating on the studies of their children and the family, which is a normal conduct. The deceased for the reasons best known to her, had gone into the room and set fire on her. In fact, the petitioner broke open the door and put off the fire to save her and admitted her in CMC, Vellore hospital, due to which, the petitioner also sustained burn injuries and the deceased died due to burn injuries. He would further submit that his two children are taken care of by his elderly parents aged about 80 years, A2 and A3. In this case no statement from the deceased that the petitioner was the reason for her committing suicide. He would further submit that the petitioner was arrested on 25.09.2020 and he is in custody for more than two months.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the deceased set fire on her by pouring kerosene and sustained 25 to 30% burn injuries, she was admitted in CMC Vellore hospital on 15.04.2020 and she died after five days due to injuries. Since their marriage was held 11 years before, RDO enquiry was not required. Further, the deceased had not recorded any dying declaration. The two children of the deceased are taken care of by the parents of the petitioner. When the petitioner attempted to save his wife, he also sustained burn injuries. He would further submit that investigation is almost over and they are awaiting for the opinion to file a final report.

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 petitioner had made attempt to save his wife and sustained burn injuries and considering the fact that his two children are looked after by his elderly parents who are aged about 80 years, 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, Katpadi, 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 report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter before the Trial Court at 10.00 on all working days.

(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.

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

-sd/-
24/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KATPADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
MELPADI POLICE STATION,
VELLORE DISTRICT

CC to M/S.D.BALAJI Advocate on payment of necessary charges

CRL OP.18534/2020

Date :24/11/2020

GKS:27/11/2020

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