

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.20123 of 2020

Munusamy

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur.
(Crime No.2239 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.2239 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Sugendran

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.11.2020 for the offence punishable under Section 174(3) @ 306 of IPC, in Crime No.2239 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Jayalakshmi is that she is a widow and she has two daughters and that her elder daughter Anusuya was given in marriage to the petitioner on 05.02.2018 and out of wedlock, they have got one male child. The further allegation is that the petitioner used to quarrel her daughter frequently and the defacto complainant used to console her for the same. The petitioner suspected her daughter and habituated to scold her whenever she wears new clothes. While so, on 30.10.2020 at about 3.30 p.m. the defacto complainant received a phone call from her relative stating that her daughter Anusuya had committed suicide by hanging. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the deceased used to roam everywhere, hence, the petitioner reprimanded for her behaviour. He would further submit that the petitioner was away from the house when the victim committed suicide on 30.10.2020 by hanging. He would further submit that originally a case was registered under Section 174(3) Cr.P.C. and later it was altered to 306 IPC, alleging that the petitioner has abetted the victim to commit suicide. He would further submit that the petitioner has not abetted the victim and only his parents are taking care of their child. He would further submit that the petitioner is in custody from 02.11.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the marriage between the petitioner and the victim took place on 05.02.2018 and the petitioner used to quarrel with the victim suspecting her fidelity and whenever his wife / victim wears new clothes, he fights with her and harassed her, due to which, the victim committed suicide by hanging. He would further submit that the petitioner was arrested and remanded to judicial custody on 02.11.2020. He would further submit that RDO enquiry is pending.

5.Heard the learned Counsel on either side. Perused F.I.R. And other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner from 02.11.2020, 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 like sum to the satisfaction of the learned District Munsiff cum Judicial Magistrate at Uthukottai, 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 stay at Vellore and report before the Sathuvachari Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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.

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

-sd/-

17/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
TIRUVALLUR.

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUTTANI

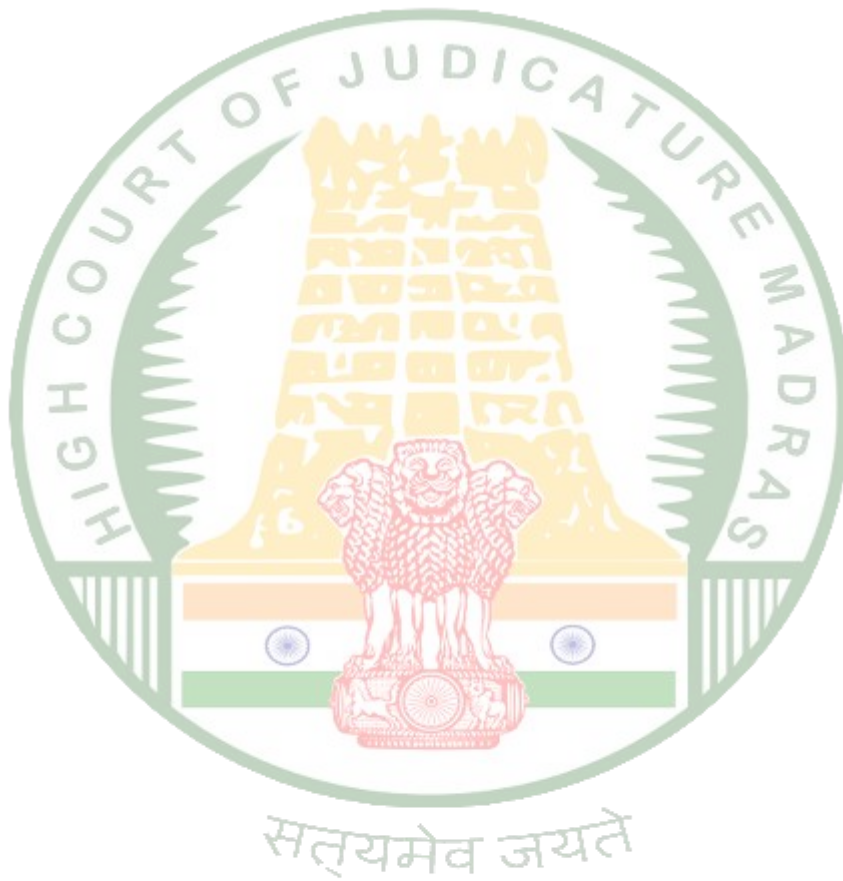
6 THE OFFICER INCHARGE,
SATHUVACHARI POLICE STATION,
VELLORE.

CC to S.SUGENDRAN Advocate on payment of necessary charges
Sr.8339

CRL OP.20123/2020

Date :17/12/2020

RVR 18/12/2020



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