



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7470 of 2020

ARIVU @ ARIVAZHAGAN

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THHIRUMELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 45 OF 2020

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.EZHILARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

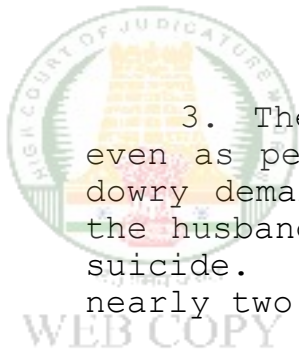
PRAYER :-

For Bail in Crime No. 45 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 14.06.2020 for the alleged offences under Sections 174(3) Cr.P.C @ 304(B) of IPC.

2. The deceased is the wife of the petitioner herein and it was a love marriage, earlier the deceased was working as a teacher in the private school. The case of the prosecution is that there were frequent quarrel between the husband and wife . On the date of occurrence the deceased want to attend the marriage of a close relative which was refused by the petitioner herein, due to which there was quarrel between the petitioner and the deceased due to the same at about 8.00 p.m the deceased committed suicide by hanging..



3. The learned counsel for the petitioner would submit that even as per the First Information Report there is no allegation of dowry demand or harassment and it is only an usual quarrel between the husband and wife and due to frustration the deceased committed suicide. He would also submit that the petitioner is in jail for nearly two months, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that due to the harassment made by the petitioner herein the deceased committed suicide and at the time of committing suicide the deceased was seven months pregnant.

5. From the materials available on record it is seen that the it is a love marriage between the petitioner and the deceased which was opposed by the deceased family. Thereafter both the petitioner and the deceased were living separately and they were frequently quarrelled. It is also further seen that there is no allegation of dowry demand or harassment on side of the petitioner.

6.Taking note of the above facts and circumstances of the case and also taking note of the fact that and the deceased committed suicide in a family dispute and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvidadimaruthur, Thanjavur District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
14/08/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
THIRUMELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7470 of 2020
Date : 14/08/2020

AAV
AE/JC/SAR-III (17.08.2020) 3P 6C