IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.432 of 2021

Selvamuthukumar ... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.
(Crime No.1167 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1167 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M. Marudhachalam

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner is A3. The petitioner was arrested and remanded to judicial custody on 27.11.2020 for the offence punishable under Section 306 IPC in Crime No.1167 of 2020 and seeks bail.

2. Totally there are 3 accused in this case. Petitioner/A1 is the husband of the deceased. A2 and A3 are father in law and mother in law of the deceased. The case of the prosecution is that the petitioner/A1 is a divorcee and the petitioner married the deceased four years back. The petitioners are alleged to have demanded dowry and abetted the deceased to commit suicide, due to the same, she committed suicide by hanging. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that investigation has been completed and the petitioner is no way connected with the offence as alleged by the prosecution. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that now investigation is completed and RDO enquiry over. However, she opposed to grant bail.

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5. Considering the said facts and circumstances and the fact that investigation is completed and also considering the period of incarceration suffered by the petitioner, 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 Judicial Magistrate No.I, Mayiladuthurai, 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 daily at 10.30 a.m ., until further orders.

(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];

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(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/01/2021

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 NO.I,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.432/2021

Date :18/01/2021

MK:19/01/2021

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