

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2763 of 2021

Silambarasan @ Pulipandi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
J-, Saidapet Police Station,
Chennai.
(Crime No.24 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.24 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Engles

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 17.01.2021 for the offence punishable under Sections 174 of Cr.P.C. and later on altered under Sec.498 (A) and 306 of I.P.C. in Crime No.24 of 2021 on the file of respondent, seeks bail.

2. The case of the prosecution is that the deceased is wife of petitioner. The allegation is that it is love marriage and the marriage between the petitioner and the deceased took place in the year 2018 and they have also got a child. Since the petitioner is not having a job, there is a frequent quarrel between them. Hence, the deceased committed suicide by hanging on 16.01.2021 in a rental house. Based on the complaint given by the parents of deceased, originally, a criminal case has been registered the criminal case was registered under Section 174(3) of Cr.P.C. and after investigation, it was altered to Section 498(A) and 306 of I.P.C. and he was arrested and remanded to judicial custody on 17.01.2021. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that due to a family dispute between the petitioner and deceased, in which there was a frequent quarrel. He would submit that now there is a two years old child and nobody is taking care of the child. He would submit that there is no dowry demand made by the petitioner. He would submit that he has been falsely implicated as accused in this case and he was in judicial custody for more than two one month. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the petitioner has harassed the deceased and hence, she has committed suicide. She would submit that the investigation is over and the petitioner is in jail for more than a month. Hence, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, it is a family dispute between husband and wife, there is no allegation of dowry demand, and also considering the period of incarceration suffered by the petitioner from 17.01.2021, 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 IX Metropolitan Magistrate, Saidapet, Chennai 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. for the period of two weeks;

(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.

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

-sd/-
16/02/2021

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J-SAIDAPET POLICE STATION,
CHENNAI

+1CC to M/S.M.ENGLES Advocate on payment of necessary
charges SR NO.1673

CRL OP.2763/2021

Date :16/02/2021