

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3190 of 2021

Manivel

... Petitioner

Vs.

State rep by
Inspector of Police,
SHO Avinangudi Police Station,
Cr.No.1037 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.1037 of 2020, on the file of the respondent.

For Petitioner : Mr.D.Murugan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.01.2021 for the offence punishable under Sections 294(b), 323, 506(ii), 498(A) subsequently altered into 306 of IPC, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner is wife of the deceased and the marriage between the deceased and the petitioner took place 20 years back. The petitioner, who is a drunkard, suspecting the fidelity of the deceased, used to beat the deceased on several times. While being so, on the date of occurrence, the petitioner attacked the deceased and also criminally intimidated her. Due to the same, she poured kerosene and set fire on her. Immediately, she was taken to the hospital, where, she succumbed to injuries. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that he has been falsely implicated in this case. Due to family dispute, there was quarrel between them. Out of frustration, the deceased committed suicide. He is in jail for more than 60 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that only because of the harassment of the petitioner, the deceased committed suicide by pouring kerosene and set fire on her. She would further submit that now investigation is almost completed. The deceased has also given dying declaration as against the petitioner. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that investigation is almost completed and also taking note of 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, Tittagudi, 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 shall appear 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];

(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/-
04/03/2021

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 JUDICIAL MAGISTRATE,
TITTAGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHO AVINANGUDI POLICE STATION.
CUDDALORE DISTRICT.

+1CC to M/S.D.MURUGAN Advocate on payment of necessary charges SR NO.2748

CRL OP.3190/2021

Date :04/03/2021

MK:05/03/2021

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