

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.3269 of 2021

M.Venkatesaperumal

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
(Crime No.128 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.128 of 2021 pending on the file of the 1st respondent.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. He apprehends arrest at the hands of respondent police for the alleged offence punishable under Section 174 (3) of CrI.P.C., later it was altered into 306 of I.P.C. in connection with Crime No.128 of 2021 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is daughter of defacto complainant. The marriage between the petitioner and the deceased took place 13 years prior to the occurrence and he is having two children. Thereafter, the petitioner is having illicit intimacy with another girl, it was questioned by the deceased. Hence, there was a frequent quarrel between them. On the date of occurrence, since the petitioner was having a illegal connection with another lady, the deceased said to have committed suicide by hanging. Hence, based on the complaint given by the mother, a criminal case was registered against the petitioner under Section 174 (3) of CrI.P.C. and subsequently, it was altered to Section 306

3. The learned counsel appearing for petitioner would submit that it is only a quarrel between husband and wife and she has committed suicide. Absolutely, there is no allegation to commit suicide. He would submit that now, the petitioner has got two children and nobody is available to take care of them. He would submit that he is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that since the petitioner is having illicit intimacy with another lady, due to the same, there was a frequent quarrel between husband and wife. He would submit that on the date of occurrence, the petitioner has scolded the deceased, due to which, she has committed suicide by hanging. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the fact that it is only a family dispute between husband and wife, the occurrence taken place and there is no allegation of dowry demand and any other harassment, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Judicial Magistrate, Thirukkoilur** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**;

[g] 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/-
17/03/2021

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,
THIRUKKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
KALLAKURICHI DISTRICT.

+1 CC to M/S. R.DINESHKUMAR Advocate on payment of necessary charges SR.NO.3507

CRL OP.3269/2021

Date :17/03/2021

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