

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6114 of 2021

Manimalai

... Petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.177 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.177 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.C.Vasudevan,

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 26.01.2021 for the offence punishable under Section 306 of IPC in Crime No.177 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the deceased is the wife of the petitioner. Both the petitioner and the deceased got married against the wishes of their family and they were living separately. After marriage, the petitioner left the deceased alone and he has not supported her and he never visited the house. Being frustrated over the same, the deceased said to have committed suicide by hanging on 25.01.2021. Thereafter, based on the complaint given by the parents, initially, a crime has been registered under Section 174 Cr.P.C. After investigation, it has been altered into 306 IPC and the petitioner was arrested on 26.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the marriage between the petitioner and the deceased took place in

the year 2019. They lived together for more than 2 years. The petitioner has not committed any cruelty to the deceased. He is in jail for more than 2 months. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that after marriage, the petitioner failed to take care of the deceased and she was struggling for her needs. He has not even visited the house. Hence, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that investigation is almost 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, Rasipuram, 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 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];

(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/-
31/03/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.6114/2021

Date: 31/03/2021

TA-01/04/2021

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