

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6700 of 2021

G.BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

THE INSPECTOR OF POLICE

MAGUDANCHAVADI POLICE STATION,
SALEM.

CR.NO.107 OF 2021

[RESPONDENT]

For Petitioner : M/S.C.D.SUGUMAR Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498A and 306 of IPC in Crime No.107 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and the deceased took place in the year 2013 and through the wedlock, a male child was born. The further case of the prosecution is that the petitioner herein was in the habit of quarrelling with his wife viz., Bharathi frequently by suspecting her fidelity, for which, she committed suicide pouring kerosene and set herself ablaze on 22.02.2021 and succumbed on 25.02.2021. Hence, the present complaint was registered against the petitioner and other family members.

3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the offence as alleged. It is further stated that the petitioner is innocent. Therefore, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to the frequent quarrels picked up by the petitioner with the deceased, suspecting her fidelity, she committed suicide by pouring kerosene and set herself ablaze on 22.02.2021 and succumbed on 25.02.2021.

5. Taking into consideration the facts and circumstances of the case and also in the interest of the child, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 II, Sankari, Salem, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-
08/04/2021

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,
NO.II, SANKARI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MAGUDANCHAVADI POLICE STATION,
SALEM.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges
SR.No.4561

CRL OP.6700/2021

Date :08/04/2021

cs 16/04/2021

WEB COPY