

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.8244 of 2021

Sathiyar

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram District
(Crime No.301 of 2021) Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.301 of 2021 on the file of the respondent.

For Petitioner : Mr. D. Dayalan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 21.03.2021 and remanded to judicial custody for the offences under Sections 174(3) of Cr.P.C subsequently it was altered into Section 306 of I.P.C, 1860 in Cr.No.301 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the petitioner married the deceased on 22.01.2018 and due to the wedlock they have a female child aged 1.5 years. Thereafter, the petitioner always picked up quarrel with the deceased suspecting her fidelity, due to which the deceased committed suicide by hanging. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that there was only altercation between the petitioner and the deceased and the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner has been in jail from 21.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that only due to the harassment meted out by the petitioner, the deceased committed suicide. She further submits that the investigation is almost completed.

5. Taking into consideration the fact that the petitioner has a female child and 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II at Kancheepuram** and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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/-

30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary
charges SR.NO.5628

CRL OP.8244/2021

Date :30/04/2021

TA-03/05/2021



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