

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8553 of 2021

Kareem

.. Petitioner

Vs.

The State Rep. by
Inspector of Police
G-5, Secretariat Colony Police Station
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.46 of 2021 on the file of the respondent/complainant.

For Petitioner : Mr.P.Surendran

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 15.04.2021 for the alleged offences under Sections 309 IPC @ 498(A), 306, 309 IPC in Crime No.46 of 2021. He seeks bail.

3. The petitioner is the husband of the deceased. The deceased had committed suicide by setting fire to herself. The occurrence had taken place on 17.02.2021 and the petitioner was arrested on 15.04.2021. Though the manner in which the petitioner's wife died is deeply disturbing, the fact remains that the primary allegation was made only against the petitioner's mother, who is the mother-in-law of the deceased. The marriage between the petitioner and the deceased took place way back on 01.12.2004 and two female children were born through their wedlock. The entire situation had occurred due to stress caused by the pandemic. The co-accused have already been granted bail and anticipatory bail

respectively. Hence, 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 Metropolitan Magistrate-II, Egmore, 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 not commit any offences of similar nature;

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

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

(f) 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];

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

4. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/05/2021

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

TRUE COPY
WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE-II,
EGMORE.

2 THE CHEIF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, CHENGALPET.

+1 CC to M/S.P.SURENDRAN
SR.No. 5813

Advocate on payment of necessary charges

CRL OP.8553/2021

Date :05/05/2021

MN-06/05/2021

सत्यमेव जयते

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