

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9120 of 2021

Abdul Rahman @ Abdull

.. Petitioner

Versus

The State rep. By
Inspector of Police,
Pernambut Police Station,
Vellore District.
(Crime No.94 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in crime No.94 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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

ORDER

The petitioner, who was arrested on 25.03.2021 for the offences punishable under Section 294(b), 354 & 506(ii) IPC r/w Section 4 of Tamil Nadu Women Harassment Act, @ U/s. 294(b), 354 and 506(ii) IPC Section 4(B)(1) r/w Section 4 of Tamil Nadu Women Harassment Act @ U/s 294(b), 354, 506(ii) & 302 of IPC r/w. Section 4 of Tamil Nadu Women Harassment Act, in Crime No.94/2021, on the file of the respondent police, seeks bail.

2. It is seen from the submissions that the husband of the deceased borrowed money from the petitioner and he was not able to repay it. After his death, the petitioner demanded money from the deceased. As security for the money advanced, the accused took TATA Ace vehicle of the deceased. When she demanded to return the vehicle, the petitioner said to have refused to return the same. Therefore, the deceased poured petrol on herself and set her on fire.

3. It is the case of the prosecution that the petitioner threw the lighted match stick and put her on fire, which resulted in death.

4. The learned counsel appearing for the petitioner submitted that the deceased had given two contradictory version. One at the time of giving complaint, another at the time of recording of Dying Declaration under Section 164 Cr.P.C, by the learned Judicial Magistrate. In the complaint, it was stated that she poured petrol on herself and set on fire, but in the Dying Declaration, she stated that she poured petrol on herself but the petitioner threw lighted match stick and put her on fire.

5. With regard to the contradictory statement made by the deceased, it has to be tested only at the time of trial, not at the time of considering the bail petition.

6. Taking note of the facts and circumstances, the fact that the petitioner is in custody from 25.03.2021 and also the fact that substantial part of the investigation in this case is over, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on each of them executing 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, Gudiyatham, Vellore District, 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 am. until further orders.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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].

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

-sd/-
13/05/2021

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,
GUDIYATHAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERNAMBUT POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.9120/2021

Date :13/05/2021

MN-17/05/2021

MK:18/05/2021

WEB COPY