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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12671 of 2021

Sivaneshan,
S/o.Thirumavalavan

... Petitioner

Vs.

State by
The Inspector of Police,
Vanapuram Police Station,
Thiruvannamalai District.
(Cr.No.1438 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of arrest in Crime No.1438 of 2021 on the file of the The Inspector of Police,Vanapuram Police Station, Thiruvannamalai District..

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 173(3) of Cr.P.C @ 498-A, and 306 of IPC in Crime No.1438 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's younger daughter viz., Monisha got married with the petitioner on 02.09.2019, thereafter, the petitioner went to Dubai for job. During that period, the petitioner stayed at Dubai whereas the deceased stayed in her matrimonial home along with her in-laws. There was a wordy quarrel between the deceased and the petitioner through telephone and he abused her with filthy words. On 10.06.2020, the petitioner's sister informed to the defacto complainant's wife that her daughter was expired. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was a wordy quarrel between the petitioner and the defacto complainant through telephonic conversation and thereafter, the deceased committed suicide by hanging. After the petitioner came from Dubai, he filed the present anticipatory bail application. Hence, he prays for grant of anticipatory bail to the



4.The learned Government Advocate (Crl.Side) submits that as per the RDO report, the petitioner stayed at Dubai. Due to the loneliness of the petitioner's wife and the petitioner suspected her character and also abused her with filthy language thereby causing mental agony to her. Thereby, the petitioner's wife had committed suicide. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner 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 No. 1, Thiruvannamalai 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 petitioners 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/-

22/07/2021

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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.I,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
VANAPURAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SILAMBUSELVAN Advocate on payment of necessary charges SR.NO.7639

CRL OP.12671/2021

Date :22/07/2021

INBA 30/07/2021