



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13342 of 2021

Muthuraj
S/o.Muniyappan

.. Petitioner

Vs.

State By
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
Cr.No.213 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to grant bail to the petitioner pending investigation in Crime No.213 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 01.07.2021 and remanded to judicial custody for the offences under Section 174(3) of Cr.P.C. altered into 306 of IPC, in Crime No.213 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner married the deceased and due to the said wedlock, they have two children. Thereafter, the petitioner had illicit intimacy with one Sasikala, due to which there was some family dispute in the family. Thereafter, when the petitioner was living with the deceased, Sasikala's parents lodged a complainant and settlement were done for Rs.2,20,000/-. Subsequently, the petitioner demanded the deceased to give him Rs.2,20,000/- in order to settle the said Sasikala, as a result of which, the deceased committed suicide by consuming poison. Hence the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 01.07.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the investigation is still pending and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the petitioner has to take care of two children and there is no previous case pending against the petitioner and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Additional Mahila Court, 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/-

02/08/2021

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.



1 THE ADDITIONAL MAHILA COURT,
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13342/2021

Date :02/08/2021

INBA 03/08/2021