



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13638 of 2021

1. K.Karthi

... Petitioners

(*) S/o Late Kuppusamy @ Kuppan

2. Vijaya

(*) W/o Late Kuppusamy @ Kuppan

Vs.

State, Rep by

... Respondent

The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
(Crime No.303 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in respect of Crime No.303 of 2021 dated 22.06.2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Rajagopal

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1 side)

ORDER

The petitioners, who were arrested on 22.06.2021 and remanded to judicial custody for the offences under Section 174 Cr.P.C., and later it was altered to 306 IPC, in Cr.No.303 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 1st petitioner is the husband and 2nd petitioner is the mother-in-law of the deceased, there arose a wordy quarrel between the 1st petitioner and the deceased due to family dispute regarding illegal intimacy of 1st petitioner with another woman in which the petitioners had abused the deceased in filthy language and hence she committed suicide by (*)self immolation. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners and RDO report is awaited. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against them and the petitioners have take care of 9 years child, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, 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 petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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/-
05/08/2021

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.



(*) Amended as per order of this Court dated 12/08/2021 in Crl.M.P.No.7794 of 2021 in Crl.O.P.No.13638 of 2021.

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, THORAPADI,
VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.RAJAGOPAL Advocate on payment of necessary
charges SR.NO.8492

CRL OP.13638/2021

Date :05/08/2021

CSK 06/08/2021

INBA 12/08/2021