

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.17292 of 2020

Manivannan

... Petitioner

Vs.

State rep. by
Inspector of Police,
Melpatti Police Station,
Vellore District.
(Crime No.245 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.245 of 2020 pending on the file of the 1st respondent.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. He apprehends arrest at the hands of respondent police for the alleged offence punishable under Section 174 (3) of CrI.P.C.. @ 306 of I.P.C. in connection with Crime No.245 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is wife of petitioner. The marriage between them took place on 27.04.2018. On the date of occurrence, there was a wordy quarrel between the petitioner and the deceased, due to which, the petitioner has beaten the deceased and she left the matrimonial home. Thereafter, she has committed suicide by hanging. The defacto complainants are parents of deceased. Hence, a criminal case was registered against the petitioner under Section 174 (3) of CrI.P.C. and subsequently, it was altered to Section 306 of I.P.C.

3. The learned counsel appearing for petitioner would submit that the occurrence took place, due to some wordy quarrel between husband and wife and absolutely, there is no dowry harassment. He would further submit that the Revenue Divisional Officer has also conducted the enquiry and held that there is no allegation of dowry harassment. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there is a frequent quarrel between husband and wife, and on the date of occurrence, the petitioner has beaten her and asked her to go and die, subsequently, she has committed suicide. He would also submit that the Revenue Divisional Officer's enquiry report reveals that since the petitioner has abused the deceased, she has committed suicide. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. On perusal of records, it could be seen that there is a wordy quarrel between the petitioner and the deceased. On the date of occurrence, the petitioner said to have slapped the deceased and out of anger, he has asked the deceased to go and die. Thereafter, she has committed suicide. Accordingly, taking into consideration of the fact that there is no allegation of dowry harassment and only due to a matrimonial dispute, the occurrence was taken place, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is 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, Gudiyatham, Vellore** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/01/2021

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.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges SR.NO.563

CRL OP.17292/2020

Date :18/01/2021

TA-22/01/2021