

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.16322 of 2021

Saravanan

... Petitioner

Vs.

State Rep by
The Sub Inspector of Police,
Pudhuchatram Police Station,
Namakkal District
Crime No.554 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in in Cr.No.554 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner who was arrested on 19.07.2021 and remanded to judicial custody for the offences under Sections 294(b), 498(A) and 306 of I.P.C r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.554 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and the victim are the husband and wife and the petitioner alleged to have been in extra-matrimonial relationship with an another lady and when the same was questioned by the victim, the petitioner herein alleged to have instigated her to commit suicide and as a result of which the victim self immolated her. Hence the law enforcing agency registered a case against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted that there was some family dispute between the petitioner and the deceased, that apart the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in the case and he is in judicial custody from 19.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there was no previous case pending against the petitioner. However he opposed for grant of bail to the petitioner.

5. Considering the facts of the case and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with following 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 Judicial Magistrate Court No.II, Namakkal 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 second and third petitioner 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/-

08/09/2021

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,
NO.II, MAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
PUDHUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO. 9708

CRL OP.16322/2021

Date :08/09/2021

JPA 09/09/2021