

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19304 of 2020

Muruganandham

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Edaiyur Police Station
Tiruvavur
Crime No.1196 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.1196 of 2020 pending on the file of the respondent.

For Petitioners : Mr.M.Jaikumar

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. He has been implicated with the crime for the offence punishable under Sections 294(b) and 116 of I.P.C. altered to 306 of I.P.C. in Crime No.1196 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 and there was a quarrel between the petitioner and the deceased on the date of occurrence, due to which, she poured kerosene on her and set fire, subsequently, she succumbed injuries. Hence, the present complaint has been filed.

3. The learned counsel appearing for petitioner would submit that they are having three children, as the deceased has not taken care of the children, there was a quarrel between them on the date of occurrence, due to which, she has committed suicide.

4. The learned Additional Public Prosecutor opposed the anticipatory bail application on the ground that, the petitioner has scolded the deceased for not taking care of the children and hence, she has committed suicide.

5. Taking into consideration of the fact that the occurrence taken place due to a family dispute between husband and wife and there is no serious allegation for abetting the deceased to commit suicide, 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, Thiruthuraipundi 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 as and when required for interrogation;

[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.

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

-sd/-

06/01/2021

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,
THIRUTHURAIPUNDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

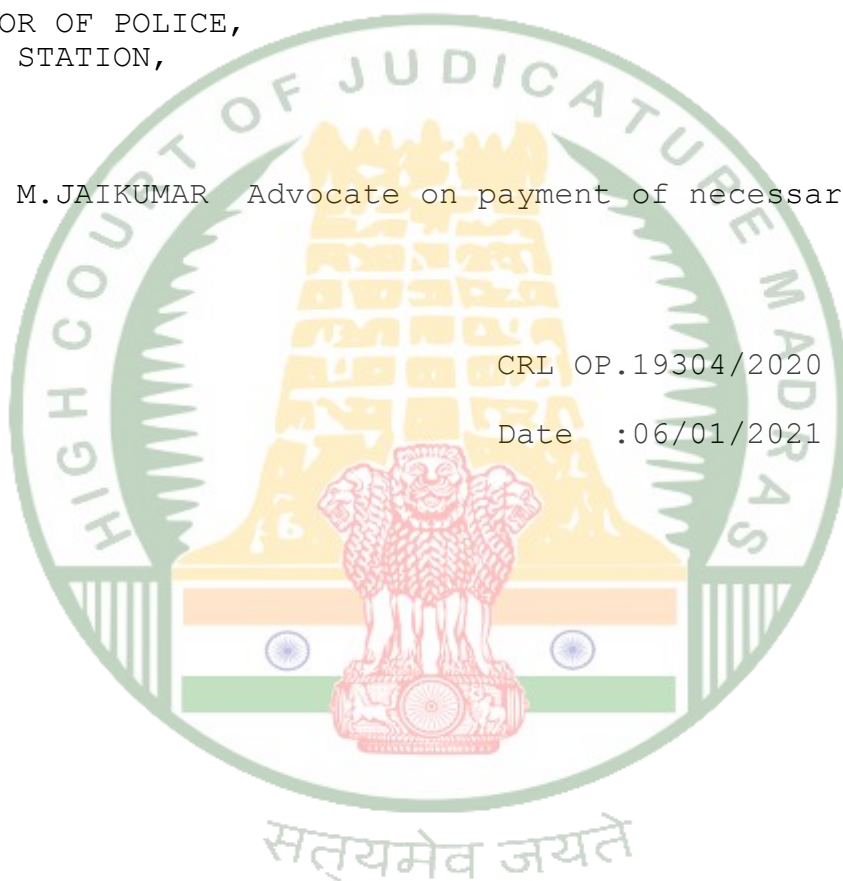
4 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
TIRUVARUR

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

CRL OP.19304/2020

Date :06/01/2021

RVR 27/01/2021



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