



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18062 of 2021

G.Kumaresan

... Petitioner

Vs.

The State represented by
The Deputy Superintendent of Police,
Edapadi Police Station,
Salem District.
(Crime No.140 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 connection with Crime No.140 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S,Parthasarathy

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.09.2021 for the offences under Sections 174(3) of Cr.P.C (Hanging) altered to Section 304-B of IPC, in Crime No.140 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased are husband and wife. Further, the petitioner had demanded dowry and harassed the deceased, due to which, the deceased had committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 05.09.2021. He further submitted that initially the case was registered under Section 174(3) of Cr.P.C., thereafter alter into Section 304-B of IPC. He further submitted that earlier occasion, this Court had dismissed the petition in Crl.O.P.No.14917 of 2021. Hence he prays for grant of bail to the petitioner.



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

5. Considering the fact that there is no previous case pending as against the petitioner and the petitioner has to take care of 2 ½ years child and also considering 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 District Munsif cum Judicial Magistrate, Edapadi, 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/-

29/09/2021

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.



1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
EDAPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE DEPUTY SUPERINTENDENT OF POLICE,
EDAPADI POLICE STATION,
SALEM DISTRICT .

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.PARTHASARATHY Advocate on payment of necessary
charges SR.NO.10756

CRL OP.18062/2021

Date :29/09/2021

CSK 29/09/2021