

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.20060 of 2020

P.Chithachetti

... Petitioner

Vs.

The State rep. by

The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

(Crime No.952 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.952 of 2020 pending on the file of the respondent.

For Petitioner : Mr.C.Palanisamy

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 apprehends arrest at the hands of respondent police for the offence punishable under Sections 174(3) of Cr.P.C. and it was subsequently altered into Section 306 of I.P.C. in Crime No.952 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of deceased and he used to consume alcohol, which was condemned by the deceased. Despite the same, the petitioner continued to consume alcohol. Hence, out of frustration, she has committed suicide by pouring kerosene and set fire on her. In the said circumstances, the criminal case has been registered against the petitioner and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that due to some family dispute, the occurrence was taken place and absolutely, there is no allegation of dowry demand. He would submit that even the dying declaration would show that due to some family dispute, she has committed suicide. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the Revenue Divisional Officer enquiry is over and there is no allegation of dowry demand. He would also submit that the dying declaration of deceased would show that due to some family dispute, he has abused her and she has committed suicide by pouring kerosene and set fire on her. However, he opposed to grant 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. The copy of Revenue Divisional Officer's enquiry report was produced before this Court and on perusal of same, it could be seen that due to a family dispute, she has committed suicide and there is no allegation of dowry demand.

7. Taking into consideration of the dying declaration of the deceased as well as the Revenue Divisional Officer's enquiry report, which would show that the occurrence took place due to a family dispute and there is no allegation of dowry demand, 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, Pennagaram, 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. for the period of two weeks ;

[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.

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

-sd/-
19/01/2021

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,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 TH INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI.

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

CRL OP.20060/2020

Date :19/01/2021

MK:02/02/2021