



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18809 of 2021

P.Chithachetti

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
(Crime No.952 of 2020)

... 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 the case in Crime No.952 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Palanisamy

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

ORDER

The petitioner who was arrested on 15.09.2021 and remanded to judicial custody for the offences under Section 174 (3) of Cr.P.C @ Sec 306 of IPC, in Crime No.952 of 2020 on the file of the respondent police, seeks 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 had committed suicide by pouring kerosene and set fire on her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 15.09.2021. He further submitted that earlier, this Court had granted anticipatory bail to the petitioner in Crl.O.P.No.20060 of 2020 dated 19.01.2021, however, the petitioner has not complied with the conditions imposed by this Court, the petitioner was secured and remanded to judicial custody. Therefore, he prays to grant bail to the petitioner.



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

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner and the petitioner has to take care of 2 ½ years female 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 learned Judicial Magistrate Court, Pennagaram, 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/-
07/10/2021

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 JUDICIAL MAGISTRATE,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.18809/2021

Date :07/10/2021

CSK 08/10/2021