

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20357 of 2020

Suresh

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Gingee Police Station,
Villupuram District.
(Crime No.3010 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3010 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.S.Sathish Rajan

For Respondent : Mr.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.11.2020 for the alleged offence punishable under Section 302 of IPC and later, it was altered into one under Section 498A and 306 of IPC in Crime No.3010 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that the petitioner is the husband of the deceased one Nandhini and there was frequent quarrel between the petitioner and the deceased and that on 27.11.2020, there was a quarrel in respect of celebrating birthday, in which, the petitioner is said to have abused his wife/deceased, subsequently, she committed suicide by hanging. Hence, the Complaint. Originally, the case was registered for the offence under Section 302 of IPC against the petitioner and his parents, after completing the investigation, it was altered into one under Sections 498A and 306 of IPC against the petitioner alone. The case against the petitioner's parents was dropped.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the occurrence had taken place due to wordy quarrel and there is no material to show that the petitioner abetted the victim to commit suicide. He would further submit that the petitioner is in judicial custody from 30.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner, who is the husband of the deceased, frequently quarreled with the deceased in a drunken mood and on the date of occurrence, he beaten the deceased and hence, she committed suicide by hanging.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case as the occurrence taken place due to some wordy quarrel also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Gingee, Villupuram District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30.a.m until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. 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,
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GINGEE POLICE
STATION, VILLUPURAM.

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

CRL OP.20357/2020

Date :06/01/2021