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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21314 of 2021

R.Vijay

.. Petitioner

Vs.

The State rep by
The Sub-Inspector of Police
Polur Police Station
Polur, Tiruvannamalai District.
Crime No.893 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 893 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Muthuramalingam

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.09.2021 under Section 174(3) of Cr.P.C and later altered into Sections 498(A) and 306 of IPC, in Crime No.893 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter Kousalya got married with the petitioner and having one male child. While so, on 17.09.2021, the daughter of the defacto complainant committed suicide by hanging. Initially, the case was registered under Section 174(3) Cr.P.C. and later on enquiry, it was found that due to the harassment committed by the petitioner, the deceased committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would submit that the petitioner is having a 2 years old child and since, the



petitioner is in judicial custody from 18.09.2021 and the mother has passed away, now the child is living without parents. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the marriage between the petitioner and the deceased is a love marriage. Prior to the date of occurrence, the petitioner who is the husband of the deceased had come in a drunken mood and was dancing in front of his father in law's house and hence, there was a quarrel between them. Therefore, on the next day, the deceased committed suicide by hanging.

5. It is seen that the petitioner has got a 2 years old child and the mother of the child has passed away and hence, considering the welfare of the child and the period of incarceration undergone by the petitioner and the fact that the investigation is almost completed, 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, Polur, 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/-
12/11/2021

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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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE SUB-INSPECTOR OF POLICE,
POLUR POLICE STATION,
POLUR, TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S K.MUTHURAMALINGAM Advocate on payment of necessary charges SR.NO.12679

CRL OP.21314/2021

Date :12/11/2021

INBA-15/11/2021