



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Crl.O.P.No.22028 of 2021

1.Prabhu
2.Arumugam

... Petitioners

Vs.

STATE rep. by,
Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
Crime No.631 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.631 of 2021 on the file of the respondent Police.

For Petitioners : Mr.M.Mohamed Riyaz

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

ORDER

(The case has been heard through video conference)

The petitioners who was arrested and remanded to judicial custody on 24.10.2021 for the offence under Section 306 of IPC, in Crime No.631 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 30.09.2021, the defacto complainant's daughter, due to frequent quarrel with her husband, committed suicide by hanging. Hence the complaint.

3. The learned Counsel for the petitioners submitted that 1st petitioner is the husband and the 2nd petitioner is the father -in-law of the deceased and they have not committed any offence as alleged by the prosecution. The fact remains that the deceased had gone to her parents house and committed suicide for some other reason by leaving 2 minor children aged 4 and 2 years and now they are under the custody of the mother of the 1st petitioner. He would submit that



since, the father of the children/1st petitioner is in judicial custody from 24.10.2021, the children are living without parental care. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate raised objection but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners as well as the welfare of 2 little minor children, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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, Uthukuli, and on further conditions 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

The 2nd petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-
26/11/2021

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,
UTHUKULI .

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUPPUR

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.13516

CRL OP.22028/2021

Date :26/11/2021

JPA 26/11/2021