



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

CrI.O.P.No.24189 of 2021

WEB COPY

1.D.Shankar
2.D.Sathiyamoorthy

...Petitioners

Vs.

The State rep by its
The Inspector of Police,
B-3, Kanchi Taluk Police Station
Kancheepuram District
(Crime No.1539 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.1539 of 2021 on the file of the respondent Police.

For Petitioners: Mr.G.Punniakoti

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

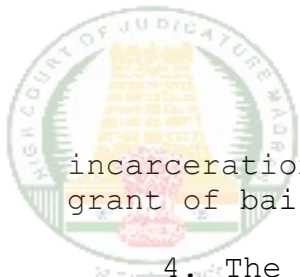
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 04.10.2021 for the offence under Section 174 Cr.P.C. @ into Sections 306 and 498 (A) of IPC, in Crime No.1539 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the 1st petitioner is the husband, the 2nd petitioner is the brother-in-law of the deceased. The petitioners along with the other accused used to ill-treat the deceased in an unbearable manner due to which, the deceased committed suicide by hanging. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the marriage between the 1st petitioner and the deceased is a love marriage and they have got two children aged about 6 and 5 years and there was no complaint against the petitioners for the past 8 years and they are no way connected with the suicide committed by the deceased. He would further submit that the petitioners have been falsely implicated in this case and they have been suffering



incarceration for about 70 days from 04.10.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that due to the harassment made by the petitioners, the deceased committed suicide and now the children are under the custody of the maternal parents and that the investigation is pending.

5. It is seen that the occurrence had happened on 04.10.2021 and the petitioners are in judicial custody for more than 70 days and the investigation is almost completed. Further, the children of the 1st petitioner who are aged about 6 and 5 years have been abundant without parental care. On seeing the family circumstance, 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-II, Kancheepuram, 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 petitioners shall appear before the respondent police on every Tuesday 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.

7. Further, as per FIR, the deceased committed suicide and due to the harassment of the petitioners who are the husband and the brother in-law of the deceased and thereby, they have been charged for the offences under Sections 306 and 498(A) IPC. It is seen that the children of the deceased who are aged about 6 and 5 years lost her mother in the said occurrence. Hence, this Court recommends that



it is a fit case to refer, as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Chengalpet District, is hereby directed to deposit a sum of Rs.60,000/- (Rs.30,000/- each) in the name of the two minor children of the deceased under the guardianship of any one of the grandparents (Paternal grandparents) of the children, in post office fixed deposit as interim compensation till they attain majority in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.

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

-sd/-

13/12/2021

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,
NO.II, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI

6 THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
CHENGALPET

7 THE SECRETARY,
LEGAL SERVICES AUTHORITY,
CHENGALPET



8 THE LEGAL SERVICES AUTHORITY,
CHENGALPET

CC to M/S. G.PUNNIAKOTI
charges Sr.14551

Advocate on payment of necessary

CRL OP.24189/2021

Date :13/12/2021

RVR 14/12/2021