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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

CrI.O.P.No.24675 of 2021

Sivan

...Petitioner

Vs.

The State represented by
Inspector of Police,
Panjapalli Police Station,
Palacode Taluk,
Dharmapuri District
(Crime No.108 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.108 of 2021 on the file of the Inspector of Police, Panjapalli Police Station, Palacode Taluk, Dharmapuri District

For Petitioner : Mr.C.Prabakaran

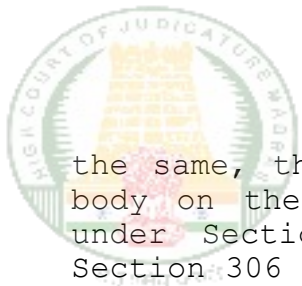
For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.11.2021 for the offence under Section 174 Cr.P.C. @ 306 of IPC, in Crime No.108 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the the petitioner married the deceased in the year 2008 and it is a inter-caste marriage and hence, it was opposed by their parents due to which, they are living separately and out of wedlock, they got three minor children. Earlier, the deceased had worked in a Garment company and thereafter, she resigned the job. Subsequently, on 17.11.2021, the deceased had received P.F. money from the Garment company. On coming to know about the same, the petitioner has demanded the money for consuming liquor and the same was refused by the deceased. Hence, the petitioner quarrelled with the deceased and also assaulted her. Thereafter, in the midnight the deceased committed suicide by hanging. On knowing



the same, the petitioner removed her from the fan hook and laid the body on the ground and escaped. Initially the case was registered under Section 174 Cr.P.C. and after enquiry, it was altered to Section 306 IPC.

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3. The learned Counsel for the petitioner submitted that the marriage between the petitioner and the deceased is a love marriage and that the petitioner is no way connected with the suicide committed by the deceased. He would submit that the petitioner has got two minor daughters and a minor son and now they are suffering without parental care and that the mother of the petitioner who is a aged person has been taking care of the children and the petitioner has been suffering incarceration for about 25 days from 18.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that due to the harassment made by the petitioner, the deceased committed suicide and now the children of the petitioner are under the custody of the mother of the petitioner. He would further submit that the petitioner was arrested recently and that the RDO and Post mortem reports are pending.

5. On seeing the fact that the deceased committed suicide leaving behind the 3 minor children. The father of the children is in judicial custody for about 25 days and the children are suffering without parental care and they have been taken care by the aged mother of the petitioner. On seeing the pathetic condition of the family circumstances as well as the minor children, this Court is inclined to grant bail to the petitioner with certain conditions.

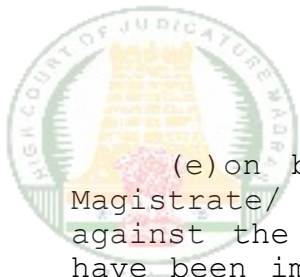
6. Accordingly, the petitioner is ordered to be released on bail on his executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Palacode, Dharmapuri District, and on further conditions 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 petitioner shall appear 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.

7. Further, as per FIR, the deceased committed suicide due to the harassment of the petitioner who is the husband of the deceased and thereby, he has been charged for the offences under Section 306 of IPC. It is seen that the children of the deceased who are minors have lost their 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, Dharmapuri District, is hereby directed to deposit a sum of Rs.25,000/- in the name of each minor child of the deceased (in total Rs.75,000/-) 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. The legal guardian of the children is permitted to withdraw the interest amount for the welfare of the children.

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

-sd/-

17/12/2021

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,
PALLACODE, DHARMAPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PANJAPALLI POLICE STATION,
PALACODE TALUK, DHARMAPURI DISTRICT.



4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI

5 THE CHAIRMAN, LEGAL SERVICES
AUTHORITY, DHARMAPURI DISTRICT.

6 THE SECRETARY,
LEGAL SERVICES AUTHORITY, DHARMAPURI
DISTRICT.

7 THE LEGALSERVICES AUTHORITY,
DHARMAPURI

8 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
Sr.15033

CRL OP.24675/2021

Date :17/12/2021

RVR 20/12/2021