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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25590 of 2021

Rajkumar

.. Petitioner

Vs.

State by  
Inspector of Police  
Kalasapakkam Police Station  
Thiruvannamalai District  
Crime No.778 of 2021

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No.778 of 2021 pending on file of the Inspector of Police, Kalasapakkam Police Station, Thiruvannamalai District.

For Petitioner : M/S.S.Silambu Selvan

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

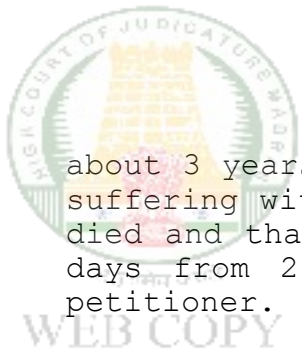
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O R D E R

The petitioner who was arrested and remanded to judicial custody on 26.10.2021 for the offence under Sections 174(3) Cr.P.C. @ 306 of IPC, in Crime No.778 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner in a drunken mood has demanded a sum of Rs.3 lakhs from his wife to start a Grocery shop following which, there was a quarrel between them and in a fit of rage, the petitioner's wife poured Kerosene and set fire herself and died.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the suicide committed by the deceased and he has been falsely implicated in this case. He would further submit that the petitioner's children who are aged



about 3 years old female child and a 9 months old male baby have been suffering without parental care as the mother of the children already died and that the petitioner has been in incarceration for about 59 days from 26.10.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the marriage between the deceased and the petitioner took place in the year 2016 and thereafter, the petitioner used to demand dowry due to which, on the date of occurrence, the petitioner's wife poured Kerosene and set fire herself and died.

5. It is seen that the petitioner's children who are aged about 3 years female child and 9 months old male baby have been suffering without parental care as the mother of the children already died and that the petitioner has been in judicial custody and that they are now under the care of the petitioner's aged parents. Since, the petitioner has got two minor children, this Court is of the opinion that the petitioner would not abscond. Hence, considering the welfare of the children and the period of incarceration undergone by the petitioner, 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 District Munsif cum Judicial Magistrate, Kalasapakkam 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 report before the respondent police daily at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation.

(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.

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-sd/-  
23/12/2021

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, KALASAPAKKAM,  
THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,  
KALASAPAKKAM POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges

CRL OP.25590/2021

Date :23/12/2021

RW 27/12/2021