



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1394 of 2021

B.Abu Sundar Meyan

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Central Police Station,
Thoothukudi District.
Crime No.647/2020.

... Respondent/Complainant

For Petitioner : M/s.A.Victoria, Advocate
for Mr.Pinaygash.I, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

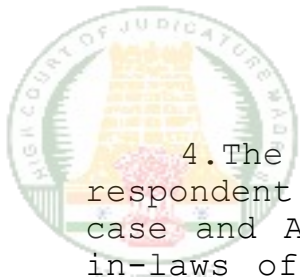
For Bail in Crime No.647/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 24.12.2020 for the offences punishable under Section 306 of IPC, on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 24.12.2020, the petitioner's wife, namely, Fathima Narzeen committed suicide due to the instigation made by the petitioner/A-1. Hence, the complaint.

3.The learned counsel for the petitioner would submit that totally there are five accused in this case and A-1 is the husband of the deceased and other accused are in-laws of of the deceased and all are living in a joint family. He would further submit that the deceased wanted to move out of the joint family system. Due to which, there was a fight between them, she has committed suicide by hanging herself. He would further submit that the petitioner is
<https://hcmjrecords.mca.nic.in/> has no way connected with the alleged offence.



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that totally there are five accused in this case and A-1 is the husband of the deceased and other accused are in-laws of the deceased and all are living in a joint family. He would further submit that the petitioner and other accused demanded additional dowry. Due to which, the deceased committed suicide by hanging herself. Hence, he opposed to grant bail to the petitioner.

5.It is seen that the deceased and all the accused are living in a joint family and doing family business. The move of the deceased was opposed by A-1 and other accused. Getting offended for the same, there was a fight between them, she committed suicide by hanging herself. On seeing the same, the husband/A-1 of the deceased had immediately taken her to the hospital, unfortunately, she was declared dead. As regards, the other accused A-2 to A-5 are concerned, they are no way connected with the occurrence. In this regard, an enquiry has been conducted by the Revenue Divisional Officer and it was completed, where, it was found that there is no demand of dowry.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner/A-1 was arrested and remanded to judicial custody on 24.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 No.II, Thoothukudi.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/02/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
PERURANI SUB JAIL,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1394 of 2021
Date :09/02/2021

SJI
JM/VR/SAR I/09.02.2021/3P/6C