



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1777 of 2021

Chellamani

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vatchakarapatti Police Station,
Virudhunagar District.
Crime No.445 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Jeyakumaran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail Crime No.445 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.12.2020 for the offences punishable under Sections 174(3) Cr.P.C @ 498(A) and 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein is the husband of the deceased. The marriage between the petitioner and the deceased was solemnized on 10.07.2013 and out of their wedlock they are blessed with three children. Further when the petitioner was working in Chennai he developed some illegal intimacy with one Saranya and when the same was questioned by the deceased the petitioner harassed her , due to which on frustration she committed suicide by consuming poison. Initially case was registered under Section 174(3) of Cr.P.C after investigation the case has been altered to Sections 498(A) and 306 of IPC.



3.The learned counsel for the petitioner would submit that the petitioner and the deceased are husband and wife. He would also submit that a false case has been foisted against the petitioner. Infact after the occurrence the petitioner attempted to save her by rushing to the hospital, unfortunately she died. He would further submit that the petitioner is no having any relationship with the said Saranya. He would also submit that the petitioner is now willing to settle some of the properties to his children and seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner had some illegal relationship with one Saranya and when the same was questioned by the deceased, the petitioner harassed and unable to bear the same the deceased committed suicide by consuming poison,leaving her two children.

5. It is seen that the deceased consumed poison and ended her life. The deceased is the wife of the petitioner herein. Admittedly the petitioner had made attempt to save her life by rushing to the hospital, unfortunately she could not be saved. Further the petitioner also denies the relationship with the said Saranya. The petitioner has now settled 1/6th share of his family property purchased by his father in S.No. 481/1A to an extent of 12.5 cents at Kuthiparai,Aruppukottai, Viruthungar registered vide document No.2518/2208 on the file of the Sub Registrar, Aruppukottai to his children and filed an affidavit to that effect.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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 Judicial Magistrate, Aruppukottai.

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/-
11/02/2021

/ TRUE COPY /

/ /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, ARUPPUKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
VATCHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE OFFICER INCHARGE
DISTRICT JAIL, DINDIGUL.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-915[I] dated 11/02/2021)

ORDER
IN
CRL OP(MD) No.1777 of 2021
Date :11/02/2021

AAV
TK/VR/SAR.3/11.02.2021/3P/7C