



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3331 of 2021

Gopi ... Petitioner/ Sole Accused
Vs

The State rep.by,
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District
Crime No.29/2021.

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram.S.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime no. 29 of 2021 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 26.01.2021 for the offences punishable under
Sections 302@ 306 of IPC on the file of the respondent police seeks
bail.

2.The case of the prosecution is that on 25.01.2021 the
deceased committed suicide on the instigation of the petitioner.
Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and a false case has been foisted against
him. He would also submit that at the time of occurrence the
petitioner was attending a function and he was informed over phone
that his wife attempted to commit suicide and when he went home he
found his wife burnt. He would also submit that the petitioner is
innocent and seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is the husband and the deceased is the wife. The marriage between the petitioner and the deceased was solemnized in the year 2009 and they were blessed with two children. He would also submit that due to some quarrel the petitioner herein poured kerosene on the deceased and caused her death, due to which he was arrested and the case was registered under Section 302 of IPC. He would further submit that during investigation it was found that the petitioner did not set fire , but the deceased herself committed suicide on the instigation of the petitioner ,hence the case was altered to Section 306 of IPC.

5. It is seen that the marriage between the petitioner and the deceased was solemnized in the year 2009 and they were blessed with two children aged about 9 years and 6 years. Five months prior to the occurrence the petitioner had come from abroad and he was with the deceased and the petitioner asked for the accounts for the hard earned money which he had sent to the deceased while he was in abroad. The deceased was unable to provide the same and due to that there was some quarrel between them. On the fateful day the deceased and the petitioner had gone to the relative marriage and at that time there was a quarrel in which the petitioner had taken away the gold chain and ring of the deceased and left from the function and the deceased was left in her home by her brother and within short time the occurrence said to have taken place. Initially the deceased brother lodged a complaint as that the petitioner had poured kerosene on the deceased and set fire and later during investigation it was found that the deceased herself committed suicide. Hence the case has been altered to Section 306 of IPC.

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:

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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

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 until further orders.

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/-

15/03/2021

/ TRUE COPY /

/ /2021

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

AAV

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,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 2 THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3331 of 2021

Date :15/03/2021