



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19005 of 2021

Periyasamy ... Petitioner/Accused(Rank not known)
Vs

The State rep.by,
The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur,
Trichy District.
Crime No.314 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

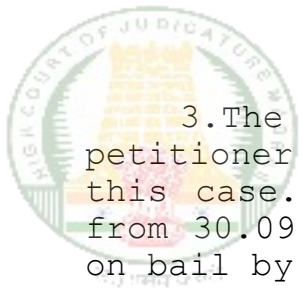
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.314 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused (Rank not Known), who was arrested and remanded to judicial custody on 30.09.2021 for the offence punishable under Section 174 (3) of Cr.P.C @ Section 498(A) and 306 of IPC, in Crime No.314 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of the deceased and the defacto complainant is the mother of the deceased. The deceased and the petitioner loved each other and their marriage was performed 3 months prior to the occurrence by the petitioner's maternal uncle, who is arrayed as A4, without consent of the parents of the deceased. Thereafter, the petitioner and his family members harassed the deceased by demanding dowry. Due to which, on 28.09.2021, at about 02.30 p.m, the deceased committed suicide. Hence, this complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that he is in judicial custody from 30.09.2021 and the other co-accused have already been released on bail by this Court. Hence, he seeks bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 4 accused in this case. The petitioner was arrayed as 1st accused. He would further submit that the other co-accused have already been released on bail by this Court, in Crl.OP(MD)No.17483 of 2021, vide order dated 22.11.2021, and he has produced a copy of the report of RDO, Trichy District.

5.He would further submit that the RDO report, would reveals that there is no dowry harassment and that, that was not the reason for the death of the deceased.

6.Considering the nature of the offence alleged against the petitioner and also considering the facts that the co-accused have already been granted bail by this Court, that the petitioner is not having any previous case for similar or serious offence and also taking note of the fact that petitioner is in judicial custody from 30.09.2021, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri, and on further conditions that;

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 30 days and thereafter, as and when required.

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/-
02/12/2021

/ TRUE COPY /

WEB 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,
MUSIRI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
THE CENTRAL JAIL, TRICHY..
- 4 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION, KATTUPUTHUR,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19005 of 2021
Date :02/12/2021

DSS
MK/PN/SAR.II/02.12.2021/3P/6C