



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.716 of 2022

WEB COPY

Senthamizharasan

..Petitioner

Vs.

State by: The Deputy Supreintendent of Police,
Vazhapadi Sub Division, Salem District.
(Crime No.145 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.145 of 2021 on the file of the respondent police.

For Petitioner : Mr.F.Wellington

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 01.12.2021 for the offences under Section 174(3) of IPC in Crime No.145 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the deceased and the petitioner is the husband of the deceased. On 05.04.2021 at about 10 p.m., the deceased committed suicide by hanging. Hence, the case was initially registered under Section 174(3) Cr.P.C. Later, it was found that just before the occurrence, the petitioner has spoken with the deceased over phone and due to the mental depression, she committed suicide and hence, the case was altered into Section 306 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the business done by her husband and she has been falsely implicated in this case. He further submits that the deceased had some problem with their family members so that she has committed suicide in her house. Further, the petitioner has been suffering incarceration for more than 42 days. Earlier, this Court dismissed the bail petition on the ground that the petitioner was arrested recently on 01.12.2021. Hence, he prays to grant bail to the petitioner.



4. The learned government Advocate (Crl. Side) would raise strong objection stating that the marriage between the deceased and the petitioner took place on 19.10.2020. After marriage, the petitioner has tortured the deceased mentally as a result, on the date of occurrence, the deceased committed suicide by hanging at the parental house while she had gone there for casting vote for Assembly Election. As per the RDO report, before the said occurrence, the petitioner has spoken with the deceased over phone and due to the mental depression, she committed suicide. He further submits that the investigation is almost completed and the RDO enquiry report is awaited.

5. Considering the above facts and circumstances of the case and that considering the incarceration period suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District Munsif Cum Judicial Magistrate, Vazhapadi, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/01/2022

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,
VAZHAPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VAZHAPADI SUB DIVISION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S F. WELLINGTON Advocate on payment of necessary charges

CRL OP.716/2022

Date :12/01/2022

RVR 19/01/2022