



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

CrI.O.P.No.858 of 2022

Shamsundar

.. Petitioner

Vs.

State rep.by its
Inspector of Police,
T-11, Thirunindravur Police Station,
Thiruvallur District.
(Cr.No.1271 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.1271 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Anandaraj

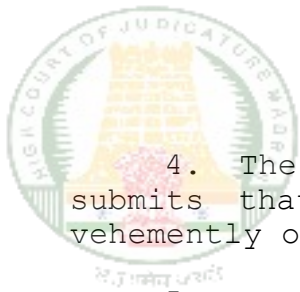
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.12.2021 for the offences under Section 174(3) of Cr.P.C @ 306 of IPC in Crime No.1271 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased were got married in the year 2017, due to the continuous harassment and torture given by the petitioner out of mental agony she committed suicide by way of hanging in the kitchen and lost her life. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that out of pity wordy quarrel, the deceased committed suicide. He further submits that the petitioner has been suffering incarceration for more than 37 days from 02.12.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor on instructions submits that the investigation was almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the welfare of the child that already it has lost his mother, this court is inclined to grant bail to the petitioner.

[a] 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), before the learned Judicial Magistrate - No.II at Thiruvallore 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 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 on every Friday at 10.30 a.m. until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/01/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
T-11, THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.M.ANANDARAJ Advocate on payment of necessary charges
Sr.1258

CRL OP.858/2022

Date :27/01/2022

RVR 28/01/2022