



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3454 of 2022

1.Sivaprasanth
2.Kavitha

...Petitioners

Vs.

The State by
Sub-Inspector of Police
Pappireddipatti Police Station,
Dharmapuri District.
(Crime No.559 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioners on bail in Crime No.559 of 2021 on the file of the Sub-Inspector of Police, Pappireddipatti Police Station, Dharmapuri District.

For Petitioners : Mr.J.Bharathi Raja

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 18.12.2021 for the offences under Section 306 of IPC in Crime No.559 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner and deceased families are neighboring land owners and they had previous enmity over a cart track. The daughter of the de-facto complainant fell in love with the first petitioner and both of them eloped and got married on 03.04.2021 and stayed with the petitioners' family. After few days, the petitioners and other family members tortured her to get her share of property from her parents. They scolded the victim sometimes and the victim unable to bear the mental torture and harassment, committed suicide by hanging on 15.12.2021. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to family dispute, the deceased committed suicide. In otherwise, the petitioners herein did not abetted the commission of offence. According to him, the petitioners are in the judicial custody from 18.12.2021 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits portion of the investigation has been completed.

5. The submissions made by the learned Counsel on either side are considered.

6. The petitioners are first offenders. Further, the first petitioner is the husband of the deceased. The averment found in the first information report would go to show that due to the family dispute, the deceased committed suicide and in otherwise, there is no specific overt act as attributed against these petitioners. More than that, the petitioners are in judicial custody from 18.12.2021 onwards.

7. Therefore, taking note of all the above said aspects into consideration, this Court is inclined to grant bail to the petitioners with certain conditions:

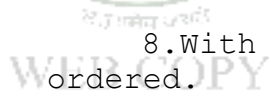
(a) the petitioners are ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each) with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Pappireddipatti.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/02/2022

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 JUDICIAL MAGISTRATE,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI DISTRICT (FOR INFORMATION).

3 THE SUB - INSPECTOR OF POLICE,
PAPPIREDDIPATTI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

6 THE OFFICER INCHARGE,
WOMEN JAIL, SALEM.

+1 CC to M/S. J.BHARATHI RAJA Advocate on payment of necessary charges SR.NO.2368

CRL OP.3454/2022

Date :15/02/2022

INBA~16/02/2022