



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4109 of 2022

Tamilselvan

... Petitioner / A-1

versus

State rep. by
The Inspector of Police
Mallasamudram Police Station,
Namakkal District.
(Crime No.09 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.09 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.T.S.Sivakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.01.2022 for an offence punishable under Sections 174 Cr.P.C. @ into Section 306 of IPC in Crime No.09 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that suspecting that the petitioner herein is having extra matrimonial relationship with the daughter of the defacto complainant, the wife of the petitioner and others have raised a wordy quarrel with the deceased, whereby they insulted the deceased and hence, she committed suicide by hanging. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to the family dispute, the deceased herein committed suicide and in otherwise, the question of abetment does not arise in this case. It is his specific submission that the petitioner is in judicial custody from 12.01.2022 onwards and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that as of now, a portion of investigation has been completed.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offence punishable under Section 174 Cr.P.C altered into Section 306 of IPC. Submission made by the learned Additional Public Prosecutor would reveal the fact that during the time of alleged occurrence, the other accused in this case insulted the deceased by saying that the deceased is having illicit relationship with the present petitioner. Offended by the insult made by the accused, the deceased committed suicide.

6. In the said circumstances, whether the insult committed by the petitioner amounts to abetment or not is a matter for trial. As of now, investigation is almost completed and thereby, further custody of the petitioner is not necessary for completing the investigation.

7. Therefore, taking note of all the above said aspects into consideration and also for the reason that the petitioner is in incarceration from 12.01.2022 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute 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, Tiruchengode, Namakkal District;

(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 petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;



(d) the petitioner 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 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];

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

-sd/-
24/02/2022

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,
TIRUCHENGODE, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MALLASAMUDRAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR.NO.2857

CRL OP.4109/2022

Date :24/02/2022

JPA 25/02/2022