



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11729 of 2022

DHANABALAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION
TIRUVARUR DISTRICT
CRIME NO.66 OF 2022

[RESPONDENT]

For Petitioner : M/S D.LAKSHMIPATHY Advocate

For Respondent : M/S. RAJ THILAK, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein, who was arrested and remanded to judicial custody on 12.04.2022 for the alleged offence under Section 174 (3) Cr.P.C. Subsequently @ 306 of IPC, in Crime No.66 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased were married in the year 2016 and there is one male child out of the said wedlock. There was some dispute between the husband and wife and every time it used to be conciliated by the family members. On 25.03.2022, the defacto complainant is said to have received a phone call from his daughter who has complained about cruelty faced by her in the hands of the petitioner. Thereafter, he received the news that the deceased had consumed poison and committed suicide. The enquiry was conducted after F.I.R. was registered u/s.174(3) Cr.P.C. The fact was that on the date of the incident, there was a wordy quarrel between the petitioner and the deceased and the deceased was locked inside a room and she had consumed poison and died as a result of the same.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.



4. Taking into consideration of the facts and circumstances of this case and also the fact that the R.D.O. report had also been received by the respondent police and the statement of the witnesses has also been recorded and only viscera report is awaited and the petitioner has already suffered incarceration for 40 days, this Court is inclined to enlarge the petitioner on bail subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be a local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mannargudi and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/05/2022

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,
NO.II, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION
TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT PRISON,
NAGAPATTINAM

CC to D.LAKSHMIPATHY Advocate on payment of necessary charges
Sr.7742

CRL OP.11729/2022

Date :23/05/2022

RVR 24/05/2022