



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE A. A. NAKKIRAN

Crl.O.P.No. 13743 of 2022

Pradeep @ Jayakumar

... Petitioner

Versus

The State;
Represented by its Inspector of Police,
Harur Police Station,
Dharmapuri District,
[Crime No. 93 of 2022]

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C praying to enlarge the Petitioner/Accused on bail Crime No. 93 of 2022 on the file of Inspector of Police, Harur Police Station, Dharmapuri District.

For Petitioner : Mr.N. Desinghu

For Respondent : Mr.S. Balaji
Government Advocate (Crl. Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 31.03.2022 for the offence punishable under Section 174 (3) of Criminal Procedure Code, subsequently altered as Section 306 of IPC in Crime No.93 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner and the deceased are husband and wife. The father of the deceased borrowed some hand loan from the petitioner herein. When the loan was not paid by the father of the deceased, there was some quarrel between the couple, due to which, the deceased committed suicide. Hence the complaint.

3.Learned counsel for the petitioner would submit that he is innocent person and has been falsely implicated in this case. He would further state that the deceased was the wife of the petitioner and due to some family dispute, his wife has committed suicide. Hence he prays for grant of bail to the petitioner.



4.Learned Government Advocate (Crl. Side) would vehemently oppose stating that over a period of time, petitioner harassed the deceased for the hand loan obtained by her father, due to which, the petitioner's wife committed suicide. He would further submit that the deceased is aged about 20 years old and she was seven months pregnant at the time of committing suicide. When the deceased asked the petitioner whether he wanted her or money, he insisted for the money, disappointed by the same, the victim had committed suicide. He would further submit that six witnesses have been examined so far. Therefore, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the facts of the case and also the fact that the petitioner has incarceration for 82 days and part of the investigation is over, this Court is this Court is inclined to grant bail to the petitioner. 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 for a like sum to the satisfaction of the learned Judicial Magistrate Court, Harur, Dharmपुरi 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 report before the respondent police once in a week i.e., on Sunday at 10.30 a.m. for a period of eight weeks;

(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.

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-sd/-

20/06/2022

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,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
HARUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. J. PRADEEP Advocate on payment of necessary charges

CRL OP.13743/2022

Date :20/06/2022

CSK 21/06/2022