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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14254 of 2022

Manikandan

..Petitioner/ sole accused

Vs.

State Rep. by
Inspector of Police,
Periyapalayam Police Station,
Tiruvallur District
crime No.211 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.211 of 2022 on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2022 for the offence punishable under Section 174 of Cr.P.C. and Sections 498(A), 306 of IPC in crime No.211 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the deceased person was suffering from stomach pain and she hanged herself and committed suicide. Thereafter, during investigation, the respondent police found that there is some problem between petitioner and his wife, wherein the petitioner demanded dowry to construct building and she was assaulted by wooden rock and also with hand bangle and she was forced to commit suicide.

3. The learned counsel appearing for the petitioner would submit that the petitioner got married the deceased 12 years ago and they had two female children. Only due to the stomach pain suffered by the deceased for the past three years, she committed suicide. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner, who is the husband of the deceased, is the single accused in this case. He demanded dowry from the deceased for construction work and he assaulted the deceased. Therefore, she committed suicide by hanging herself in the matrimonial home. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner is the husband of the deceased. He demanded dowry and he also beat the deceased. However, there is no evidence to show that soon before her death, the deceased was tortured by the petitioner herein. That apart, the petitioner got married the deceased 12 years before and they gave birth to two female children.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 21.05.2022, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthukottai 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. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[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 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/-

22/06/2022

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,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
DISTRICT JAIL, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S G.MOHAMMED ASEEF Advocate on payment of necessary charges SR.No.9703

CRL OP.14254/2022

Date :22/06/2022

CSK 22/06/2022