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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

Crl.OP.No.16348 of 2020

Murugan

..Petitioner/sole accused

Vs.

State rep.by,
Inspector of Police,
Mappedu Police Station,
Mappedu,
Thiruvallur District
crime No.1838 of 2020.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.1838 of 2020 pending investigation on the file of the respondent police.

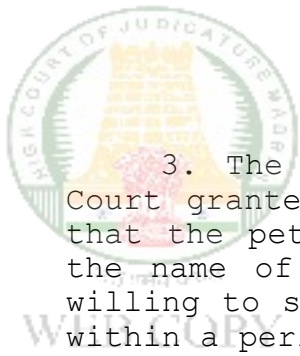
For Petitioner : Mr.K.G.Senthilkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offences publishable under **Section 174 of Cr.P.C. altered into Section 306 of IPC in Crime No.1838 of 2020** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz. Kumar is that his sister Ranjini was married to the petitioner on 14.11.2005 and at the time of marriage, cash of Rs.1 lakh and other gold jewels were given to the deceased and they were living together for the past 13 years without any problem and thereafter, the petitioner developed illicit intimacy with another woman and started to assault the defacto complainant's sister, due to which she committed suicide by self immolation and that she was admitted at the hospital. However, she died. Hence, the complaint.



3. The learned counsel for the petitioner submitted that this Court granted interim bail by order dated 14.10.2020 on considering that the petitioner was prepared to settle his family properties in the name of his female children. Now, the petitioner is ready and willing to settle his undivided share in favour of his two daughters within a period of six weeks.

4. It is seen that this court while granting interim bail to the petitioner imposed condition that the petitioner shall execute settlement deed in favour of his two daughters. The learned counsel for the petitioner would submit that the subject property stands in the name of his grand mother. His father also died. There are five legal heirs. Insofar as this petitioner, he is entitled to have share of 19.08 cents. However, he put up thatched house in the extent of 3.08 acres and remaining 16 cents are available and he is ready and willing to settle his undivided share in favour of his two daughters.

5. Considering the above facts and circumstances of the case and also considering that the petitioner was granted interim bail in the year 2020, this Court is inclined to grant bail to the petitioner. Accordingly, the interim bail granted to the petitioner in CrI.OP.No.16348 of 2020 dated 14.10.2020 is made absolute on the following conditions;

[a] the petitioner shall execute settlement deed in favour of his two daughters in respect of his undivided share of 16 cents of his ancestral property within a period of six weeks from the date of receipt of copy of this order, failing which the bail order shall stand automatically cancelled and the respondent is directed to secure the petitioner and proceed in accordance with law.

[b] the petitioner shall 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.

-sd/-
27/06/2022

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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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
MAPPEDU,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, KANCHIPURAM.

CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.16348/2020

Date :27/06/2022

TA-29/06/2022