



CrI.OP.No.16574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

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

CrI.OP.No.16574 of 2022

Sakthivel

..Petitioner

Vs.

State rep by,
Inspector of Police,
Eravanchery FRO P.S,
Thiruvarur Dist.
Crime No.159/2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.159 of 2022 on the
file of the Inspector of Police, Eravanchery P.S., Thiruvarur District.

For Petitioner : Mr.R.Baskar

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 03.06.2022 for the offence under Section 174 of Cr.P.C @



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306 of IPC in crime No.159 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.06.2022 at 9.00, the *de-facto* complainant was informed by the petitioner's relative that his daughter had committed suicide. Immediately, *de-facto* complainant went to the place of occurrence and found his daughter was laid down on the bench. Having doubt about her daughter's death, since his daughter's marriage took place on 15.09.2014 with the petitioner and they have two male children and there was a difference of opinion, they lived separately. One year prior to the incident, before the All Women Police Station, they made a compromise and lived together. In that situation, as she had committed suicide, made him suspicious and hence, he lodged a complaint.

3. The petitioner is the sole-accused and he is the husband of the deceased having two sons. On the date of occurrence, under the influence of alcohol, the petitioner had wordy quarrel with the deceased.



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That apart, there was no dowry demand or any other harassment by the petitioner or by his family members. Initially the case was registered under Section 174 of Cr.P.C., thereafter, altered into Section 306 of IPC. That apart, the petitioner was arrested and remanded to judicial custody on 03.06.2022.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 03.06.2022, 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Nannilam** 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. for a period of two weeks and thereafter as and when required for interrogation.



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[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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Nannilam.
- 2.The Inspector of Police,
Eravanchery FRO P.S,
Thiruvavarur Dist..
- 3.District Jail,
Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras

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