



Crl.OP.No.16867 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

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

Crl.OP.No.16867 of 2022

Alagesan

...Petitioner

Vs.

State: Rep. By  
The Inspector of Police,  
P-2, Otteri Police Station,  
Chennai.

Crime No.517 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.517 of 2022 on the  
file of the Inspector, P-2, Otteri Police Station, Chennai.

For Petitioner : Mr.R.Muthukumar

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

**ORDER**

The petitioner, who was arrested and remanded to judicial  
custody on 02.06.2022 for the offences punishable under Section 306 of  
IPC in crime No.517 of 2022 on the file of the respondent police, seeks  
bail.



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2. The case of the prosecution is that *de-facto* complainant's elder daughter solemnized marriage in the year 2012 with the petitioner and from their wedlock, they have one female child aged 9 years. The petitioner is running a Xerox shop. As the petitioner was having illegal intimacy with another lady, he abetted the victim to commit suicide. Hence, the complaint.

3. The deceased is none other than the wife of the petitioner herein. The petitioner had illegal intimacy with another lady and as such, there was a quarrel between them. However, soon before the death Viz., on 01.06.2022, there is no evidence to show that the petitioner quarrelled with the deceased. That apart, the petitioner was arrest and remanded to judicial custody on 02.06.2022. Admittedly, there was no dowry demand and no other cruelty committed by the petitioner.

4. 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., 02.06.2022, this Court is inclined to grant bail to the



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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 **X Metropolitan Magistrate Court, George Town, Chennai**, 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 four weeks and thereafter 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]**.



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[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 X Metropolitan Magistrate Court,  
George Town, Chennai.
- 2.The Inspector of Police,  
P-2, Otteri Police Station,  
Chennai.
- 3.Central Prison,  
Puzhal, Chennai.
- 4.The Public Prosecutor,  
High Court of Madras

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