



Crl.O.P.No.18399 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

Crl.O.P.No.18399 of 2022

Krishnamoorthy

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Olakkur Police Station,
Villupuram District.
Crime No.102 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarged on bail in Crime No.102 of 2022 on the file of the
Inspector of Police, Olakkur Police Station.

For Petitioner : Mr.S.Lokesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2022 for the offences under Sections **174(3) of Cr.P.C @ 306 of IPC** in crime No.102 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner is the husband of the deceased. It is alleged that the petitioner continuously harassed the defacto complainant by demanding more dowry. That apart, the petitioner had illegal intimacy with another women and when the same was questioned by the deceased, the petitioner scold her, due to which, the deceased committed suicide by hanging in her matrimonial house. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. That apart, the petitioner were arrested and remanded to judicial custody on 03.07.2022. Hence, he prays for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor submits that initially the case was registered under Section 174(3) Cr.P.C and subsequently, the section was altered into Section 306 of IPC. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 03.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1, Tindivanam** 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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of six 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.08.2022

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To:

1. Judicial Magistrate No.1,
Tindivanam.
2. The Inspector of Police,
Olakkur Police Station,
Villupuram District.
3. Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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