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CrI.OP.No.18552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.18552 of 2022

Indran

..Petitioner

Vs.

State Rep by:

The Inspector of Police,
Villianur Police Station,
Villianur Post & Taluk,
Puducherry
(Crime No. 34 of 2017)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.34 of 2017 on the file of the respondent Police.

For Petitioner : Mr.D. Veerasekharan
For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody for the alleged offence punishable under Section 174 Cr.Pc. 2012 on 03.03.2017 and altered into under Section 304(B) of IPC on 18.07.2022 in Crime No. 34 of 2017 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the defacto complainant's daughter got married to the petitioner in the year 2013. Out of wedlock, a female child was born to them. Due to misunderstanding between them, the defacto complainant's daughter committed suicide by hanging. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the case was registered in the year 2017 and nearly after 5 years the case was altered for the offence under Section 304(B) of IPC. The Revenue Divisional Officer report, pursuant to the enquiry held on the date of suicide, was in favour of the petitioner. The petitioner filed bail application in Crl.M.P.No.1973 of 2022 before the Principal Sessions Judge, Puducherry and the same was dismissed on 28.07.2022. Hence, the petitioner was constrained to file this petition before this Court.

4. The occurrence took place on 03.03.2017. In fact, after Revenue Divisional Officer enquiry, the Tahsildar, Sub Divisional Magistrate (South) at Villianur, filed a report stating that there was



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dowry demand. However, the respondent altered the offence only on 18.07.2022 to one under Section 304(B) of IPC. In pursuance to the alteration of the FIR, the petitioner was arrested and remanded to judicial custody.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody, this Court is inclined to grant bail to the petitioner.

6. 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 Judicial Magistrate No.III, Puducherry 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.



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[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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To

1. The Judicial Magistrate No.III,
Puducherry.

2.The Inspector of Police,
Villianur Police Station,
Villianur Post & Taluk,
Puducherry

3. Central Prison, Puducherry.

4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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