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Crl.O.P.No.22668 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22668 of 2022

Deepak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kadathur Police Station,
Erode.
Crime No.256 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.256 of
2022 on the file of the respondent Police.

For Petitioner : Mr.S.Dhileepan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.08.2022 for the offences punishable under Section 306 of IPC, in Crime No.256 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, who is the mother-in-law of the petitioner/accused is that the marriage between the petitioner and the daughter of the defacto complainant had been solemnized on 19.02.2010 and the petitioner had caused cruelty upon his wife by demanding dowry and driven out her to the parental house with their daughters. The steps taken by the defacto complainant for reunion were also went in vain and unable to tolerate the harassment made by the petitioner, on 21.08.2022, the defacto complainant's daughter along with her daughters had attempted to commit suicide by jumping into L.P.B. Canal and the defacto complainant's daughter and one grand daughter was died and one grand daughter was rescued. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the daughter of the defacto complainant was solemnized 14 years ago and that they were living separately. He would also submit that due to some financial dispute of selling of goats, there was a matrimonial quarrel between the petitioner and the victim and other than that there was absolutely no allegation as if the the petitioner had demanded any dowry and he instigated/abetted the suicide of the victim. He would further submit that due to a matrimonial dispute, the victim had committed suicide by jumping into the water canal with her two children and fortunately, one child was saved and the other child has died. He would further submit that the petitioner is in custody from 21.08.2022. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is the husband of the victim and the marriage between the petitioner and the victim was solemnized 14 years back and since, the petitioner and his mother had sold the goats belonging to the victim and there was a quarrel between them for



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the past 4 months and due to which, she along with her two children attempted to commit suicide by jumping into the water canal, fortunately, one child was saved and the victim and the yet another child were died by drowning. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Gobichettipalayam, Erode District**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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., and 05.30 p.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,
Gobichettipalayam, Erode District.
2. The Inspector of Police,
Kadathur Police Station,
Erode.
3. The Superintendent,
District Jail,
Gobichettipalayam.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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