



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24638 of 2021

T.Parthiban

...Petitioner

Vs.

STATE REP BY
Inspector of Police,
Arni Taluk Police Station
Tiruvannamalai.
(Crime No.1306 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in connection with the Crime No.1306 of 2021 on the file of Inspector of Police, Arni Taluk Police Station, Tiruvannamalai District.

For Petitioner : Mr.R.Ranjith Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

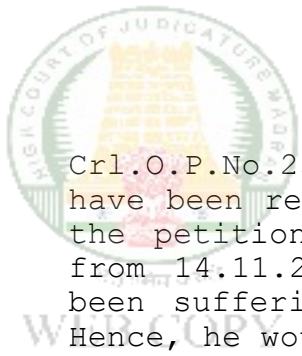
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.11.2021 for the offences under Sections 174(3) of Cr.P.C. altered u/s.306 of IPC, in Crime No.1306 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.11.2021 at about 2.00 p.m the de facto complainant's daughter committed suicide by hanging. Hence, the case was initially registered under Section 174 (3). Later, during investigation it came to light that the petitioner who is the husband of the deceased along with other accused, harassed the deceased to give one of her child to the sister of the petitioner. Therefore, the deceased committed suicide. Hence, the offence was altered as stated above.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the suicide committed by the deceased and he has been falsely implicated in this case. He would further submit that this is the second application for bail and that the earlier application was dismissed by this Court in



Crl.O.P.No.23098 of 2021 by order dated 02.12.2021 and that A2 and A3 have been released on anticipatory bail. He would further submit that the petitioner has been in judicial custody for more than 50 days from 14.11.2021 and that the twin children of the petitioner have been suffering without parental care as the children already died. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating the petitioner married the de facto complainant's daughter in the year 2019 and they have got twin children aged about 2 years. The petitioner who is the husband of the deceased along with other accused harassed the deceased to give in adoption of one of her child to the sister of the petitioner. Since, the deceased refused the same, the accused forced and harassed her. Hence, due to frustration, the deceased committed suicide but admits that the investigation is almost completed.

5. It is seen that the two little children who are aged about 2 years have lost their mother and they are now suffering without parental care as the father of the children has been in judicial custody. Hence, considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

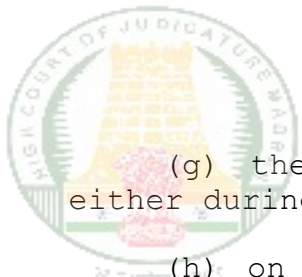
(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Arni, Tiruvannamalai District, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police on every Wednesday and Sunday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;



(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARNI, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ARNI TALUK POLICE STATION,
TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.R.RANJITH KUMAR Advocate on payment of necessary charges Sr.247

CRL OP.24638/2021

Date :06/01/2022

RVR 07/01/2022