



Crl.O.P.No.27658 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

Crl.O.P.No.27658 of 2022

Balakrishnan

... Petitioner

Vs.

The Inspector of Police,
Aladi Police Station,
Cuddalore District.
(Crime No.354 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.354 of 2022 on the file
of the respondent police.

For Petitioner : Mr.R.Raji

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Section 174 (3) of Cr.P.C. @ 294(b), 323 and 306 of IPC, in Crime No.354 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Elancheyam is that her daughter Praveena was married to the petitioner on 10.09.2021 and that there used to be quarrel between them. While so, on 05.04.2022, the *de-facto* complainant's husband received a call from their son-in-law stating that their daughter had committed suicide. Hence, the complaint. Initially the case was registered under Section 174 (3) of Cr.P.C. Thereafter, it came to light that there was a dispute between the *de-facto* complainant's daughter and the petitioner on account of money dispute and further that the petitioner was also having illicit affair and he had abetted the suicide. Hence the case was altered in to Sections 294(b), 323 and 306 of IPC.

3. The learned counsel appearing for the petitioner would submit



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that the petitioner is innocent and he has been falsely implicated in this case.

He would submit that victim suspected that the petitioner was having illicit affair and thereby committed the suicide. Further, the RDO enquiry was conducted and even as per the RDO report, there was no demand of dowry. Only suspecting that the petitioner was having illicit affair, the victim committed suicide and absolutely there was no averment that the petitioner had abetted the victim to commit suicide. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to matrimonial dispute between the petitioner and his wife/deceased, the deceased committed suicide by hanging. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the



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case and the submissions made by the learned counsel and also the period of incarnation of the petitioner, 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 **learned Judicial Magistrate No.II, Virudhachalam** 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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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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mpl

To

1. The learned Judicial Magistrate No.II,
Virudhachalam.
2. The Inspector of Police,
Aladi Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,



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High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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