



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4515 of 2022

Shahul Hameed

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
Crime No.299 of 2019.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

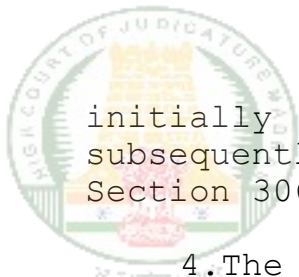
For Bail in Crime No.299 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.02.2022 for the offences punishable under Section 174 (3) Cr.P.C, @ 306 IPC, subsequently altered into Section 304 B IPC along with 306 IPC, in Crime No.299 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to matrimonial dispute between the petitioner and the victim, the victim committed suicide. Hence, the *defacto* complainant, who is the father of the deceased, has lodged a complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the marriage was solemnized between the petitioner and the deceased on 15.07.2017, that the petitioner was in abroad for most of the period, and the deceased had committed suicide on 28.12.2019, that



initially the case was registered under Section 174(3) Cr.P.C and subsequently, when the petitioner was in abroad, altered into Section 306 IPC.

4.The learned Additional Public Prosecutor appearing for the State would submit that at the time of alleged occurrence, the petitioner was in abroad, that the RDO after enquiry, has come to the decision that the dowry harassment was not the reason and directed the Police to find out the cause for the suicide committed by the deceased. He would further submit that after examining the witnesses, the case was altered into 304 B IPC. He would also submit that the main allegations are levelled against the first accused, who is the mother of the petitioner and she has already been released on bail.

5.Moreover, FIR came to be registered in 2019 and according to the prosecution, investigation is almost completed, except receiving of medical reports.

6.Considering the above facts and also the facts that the first accused was already released on bail, that the investigation is almost completed as stated by the learned Additional Public Prosecutor, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 14.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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, Pattukottai, Thanjavur District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 am for a period of thirty days and thereafter, as and when required for interrogation.

(iii)the petitioner shall not tamper with evidence or witness.

(iv)the petitioner shall not abscond during trial.

(v)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 *Prakash Singh vs. State of Kerala* [(2005) AIR SCW 5560].



(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/03/2022

/ TRUE COPY /

16/03/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI, THANJAVUR DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4515 of 2022

Date : 16/03/2022

PKP/SBN/SAR-3/17.03.2022/3P/6C