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Crl.O.P.No.726 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

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

Crl.O.P.No.726 of 2023

C.Ajith Kumar,
S/o.Chidambaram

... Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
Mangalapuram Police Station,
Namakkal.

(Crime No.68 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of

Criminal Procedure Code to enlarge the petitioner on bail in Crime No.68
of 2022 pending on the file of respondent police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 24.11.2022 for the alleged offence under Section 174(3) of Cr.P.C. and subsequently it was altered into Sec.306 of I.P.C. in Crime No.68 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner being husband of deceased alleged to have subjected her cruelty, as a result, she said to have committed suicide on the date of occurrence by hanging. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 61 days from 24.11.2022. Hence,



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he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is the sole accused and in view of his torture, his wife committed suicide by hanging leaving two minor children and now they are in custody of grandparents. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a**



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blood surety, for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Rasipuram, Namakkal District**, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

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



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(f) 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];

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

7. Further, as per FIR, the deceased committed suicide due to matrimonial dispute between the petitioner and the deceased and thereby, the petitioner who is husband of the deceased has been charged for the offences under Section 306 IPC. It is seen that the children of the deceased who are aged about 5 and 3 years lost their mother in the said occurrence. Hence, this Court recommends that it is a fit case to refer, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Namakkal District**, is hereby directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) i.e. Rs.50,000/- each** in the name of the two minor children of the deceased under the guardianship of any one of the maternal grandparents of the children, in



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post office fixed deposit till they attain majority, as interim compensation based on the available scheme in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order. The maternal grandparents are permitted to withdraw the interest accrued till the children attain majority and the same may be utilized for the welfare of the children.

7. With the above directions, this Criminal Original Petition is ordered.

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To

1. The Judicial Magistrate, Rasipuram, Namakkal Dt..
2. Sub-Inspector of Police, Mangalapuram Police Station, Namakkal.
3. The Superintendent of Prison, Sub-Jail, Rasipuram, Namakkal Dt.
4. The Public Prosecutor, High Court of Madras, Chennai.

Copy To

1. The Chairman, Legal Services Authority, Namakkal District
2. The Secretary, Legal Services Authority, Namakkal District
3. The Legal Services Authority, Namakkal Dt.



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T.V. THAMILSELVI, J.

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