



Crl.O.P.No. 2328 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

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

Crl.O.P.No.2328 of 2023

Rajesh,
S/o. Vedi

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Thirupathur Dt.
(Crime No.154 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.154 of 2022 on the file of respondent police.

For Petitioner : Mr.G.Vinodhkumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.12.2022 for the alleged offence under Section 174 (3) Cr.P.C. And subsequently it was altered into Sec. 306 of I.P.C. in Crime No.154 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the 1st daughter of defacto complainant got married on 08.07.2019 and due to some family dispute, she went to her mother's house. Thereafter, on the advise of defacto complainant and her family members, she went back to her matrimonial house. However, on 30.11.2022, at about 04.00 p.m., defacto complainant received a phone call stating that her daughter died by hanging. Hence, mother of deceased lodged the complaint against the petitioner.

3. The learned counsel for the petitioner submitted that this is the second petition for bail. He would submit that the deceased locked herself in



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a room and hung herself and when his mother tried to seek help of neighbours to save her, all the steps taken by her went in vain. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence 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 32 days from 01.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that the petitioner is arrayed as A1 and deceased got married the petitioner on 08.07.2019 and having one child. Now, child is in the custody of maternal grandmother. He would submit that due to dowry harassment of both the mother-in-law/A2 and the petitioner, the deceased said to have committed suicide. He would submit that this is the second petition seeking for bail and the investigation is almost completed. He would submit that if he is released on bail, he would tamper the



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witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and also the fact that the investigation is almost completed and the fact that the deceased wife committed suicide leaving a minor child and the child is now without the care of parents and also on considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which, one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Judicial Magistrate, Vaniyambadi*, 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 appear before the



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respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of three months.

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

(d) the petitioner shall not abscond 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]*; and;

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

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To

- 1.The Judicial Magistrate,
Vaniyambadi.
- 2.The Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Thirupathur Dt.
3. The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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