



Crl.O.P.No.2773 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2023

CORAM :

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

Crl.O.P.No.2773 of 2023

1. Santhoshkumar,
S/o. S.Pattusamy
2. Pattusamy,
S/o. Somasundaram

... Petitioners

Vs.

The State rep. by
Station House Officer,
Kumaratchi Police Station,
Cuddalore Dt.
(Crime No.94 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.94 of 2020 pending on the file of respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.12.2022 for the offence punishable under Section 306 of I.P.C. in Crime No.94 of 2020 on the file of the respondent police, seek bail.

2. The case of prosecution is that the defacto complainant's daughter viz., R.Karpagam and 1st petitioner were married on 11.02.20218 and after their wedlock, no child was born to them. Thereafter, 1st petitioner and his family members have mentally and physically harassed her, due to which, she committed suicide by hanging and died on 17.04.2020. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that 1st petitioner is son of 2nd petitioner and deceased is wife of 1st petitioner. He



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would submit that out of mental stress, she committed suicide by hanging. So, the entire allegations against the petitioners is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they 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 petitioners have been suffering incarceration for more than 66 days from 16.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally there are two accused involved in this case and the petitioners are arrayed as A1 and A2. He would submit that at an earlier occasion, the case was closed as action dropped, however, as per the direction given by this court in a Writ Petition filed by the defacto complainant, again it was reopened and they were arrested on 16.12.2022. He would submit that no previous case pending against them. He would submit that if they are released on bail, he would tamper



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the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also the fact that both the petitioners are father and son and deceased is wife of 1st petitioner and out of mental stress, she committed suicide and the said occurrence was happened and no previous case pending against them and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are 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 blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chidambaram**, 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



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Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on alternative days at 10.30 a.m. for the period of three months;

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

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To



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1. The Judicial Magistrate No.II,
Chidambaram.
2. Station House Officer,
Kumaratchi Police Station,
Cuddalore Dt.
3. The Superintendent of Prison,
Sub-Jail, Chidambaram.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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