



Crl.O.P.No.3099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2023

CORAM :

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

Crl.O.P.No.3099 of 2023

Ravindran,
S/o.Krishnan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Poonamallee Police Station,
Thiruvallur Dt.
(Crime No.795 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.795 of 2022 pending on the file of respondent police.

For Petitioner : Mr.R.Sasikumar

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 17.12.2022 for the alleged offence under Section 174 of Cr.P.C. and subsequently it was altered into Sec.306 of I.P.C. in Crime No.795 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner is the husband of deceased and he was in the habit of drunken mode, thereby he harassed the her and having illicit intimacy with another women. When the same was questioned by her, he threatened her with dire consequences and on 06.12.2022, he abused his wife and chided to go and die. However, she also called the concubine of the petitioner and had quarrel with her and she also abused and threatened her, due to which, she 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 as there was a petty quarrel between husband and wife, due to which, his



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wife committed suicide by hanging. Hence, 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 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 53 days from 17.12.2022. Hence, 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 on the date of occurrence, when the deceased questioned about illicit intimacy with another lady, there was a wordy quarrel between husband and wife, thereby he and her concubine threatened her with dire consequences, due to which, his wife committed suicide by hanging leaving her 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.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that now, the children are without parental care 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 blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamallee**, 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 on alternative days at 10.30 a.m. until further orders;

(c) the petitioner shall not commit any offences of



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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;

(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.

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To

1. The Judicial Magistrate No.II, Poonamallee..
2. Inspector of Police, Poonamallee Police Station, Thiruvallur Dt.
3. The Superintendent of Prison, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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