



Crl.O.P.No.6875 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6875 of 2023

Muthu @ Muthuraji

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.

(Crime No.24 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.24 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023, for the alleged offences punishable under Sections 498(A), 294(b), 323, 506(ii) of IPC @ 498(A), 294(b), 506(ii) & 306 of IPC, in Crime No.24 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/deceased victim, Gowri, is that earlier, she was married to one Senthil Kumar and after 1 ½ years of marriage, the said Senthil Kumar committed suicide by consuming poison. Later, she got acquainted with Muthu, petitioner herein and they have got married, during which, the father of the de-facto complainant has given a 10 sovereigns of gold jewels, a sum of Rs.1 lakh cash and a sum of Rs.50,000/- for purchasing bike and out of their wedlock, they have got two children. Later, the petitioner has sold all the jewels and spent the entire amount given by the de-facto complainant's parents and was working as coolie in a Granite company. While so, on 17.01.2023, the petitioner has abused the de-facto complainant/victim and



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assaulted her and also assaulted his father, who has intervened to pacify him and thereby, the victim went to her parents house, whereas, the petitioner has gone there and once again abused and assaulted her and also hit in her stomach in front of her parents. Due to the mental agony caused by the petitioner, on 20.01.2023, the victim has given the rat poison to her children and she also consumed the same and she along with the children were admitted in the hospital. When she was in hospital, the present case came to be registered for the offence under Sections 498(A), 294(b), 323, 506(ii) of IPC. Later, both the children died on 21.01.2023 and the victim has also died on 25.01.2023, without responding to the treatment. Thereby, the case has been altered to one under Sections 498(A), 294(b), 323, 506(ii) & 306 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and the earlier bail application filed by the petitioner was dismissed as withdrawn on 09.03.2023. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the marriage between the petitioner and the de-facto complainant/victim was



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solemnised during the year of 2018 and they have got two children. He also submitted that due to the frequent matrimonial dispute, the victim gone to her parents house, wherein, she had given the rat poison to the children and she also committed suicide by consuming the same. He further submitted that the petitioner has committed suicide due to various other reasons and there is no demand of dowry. He also reiterated that since the marriage between the petitioner and the de-facto complainant is a love marriage, there is no question for demand of dowry. He also submitted that the petitioner is in custody from 30.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner harassed and committed matrimonial cruelty to the de-facto complainant, when she was pregnant, due to which, she has committed suicide by consuming rat poison and also given the same to her two children. He further submitted that later, the de-facto complainant and her children were admitted in the hospital, but, they died, without responding to the treatment. He also submitted that investigation is



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pending and the RDO enquiry is also pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Additional Mahila Judge, Krishnagiri**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

27.03.2023

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To

1. The Additional Mahila Judge,
Krishnagiri.
2. The Sub-Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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