



Crl.O.P.No.7340 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

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Bettaian @ Boopathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.

(Crime No.92 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.92 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner	: Mr.C.Emalias for Mr.P.Kalimuthu
For Respondent	: Mr.C.E.Pratap Government Advocate (Crl.Side)



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023, in connection with Crime No.92 of 2023, registered under Section 174(3) Cr.P.C and altered for the alleged offences punishable under Section 306 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Murugesan, is that his elder daughter/victim was given in marriage to one Boopathi/A1 during the year of 2018 and they have got two children and for the past two years, there was a frequent quarrel between them. While so, on 13.03.2023, the de-facto complainant's daughter has committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in crime No.92 of 2023 came to be registered under Section 174(3) of Cr.P.C. Later, during the course of investigation, a suicide note left by the victim was found, wherein, she held that her husband was having an illicit intimacy with his sister-in-law and thereby, she has committed suicide by hanging. Thereby, the case has been altered to one under Section 306 of IPC. Hence the case.



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3. Learned Counsel for the petitioner 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 victim/deceased was solemnised during the year of 2018 and out of their wedlock, they have got two children. He also submitted that the victim used to quarrel frequently with the petitioner, since she suspected that the petitioner was having an illicit affair with the wife of his elder brother and only due to the suspicion, she has committed suicide. He further submitted that even as per the complaint, there is no demand of dowry and the petitioner has not abetted the victim to commit suicide. He also submitted that the petitioner's sister-in-law was also arrested and later, released on bail. He further reiterated that the victim has committed suicide only on suspecting the petitioner that he was having an illicit affair with his sister-in-law and there is no abetment on the part of the petitioner. He also submitted that the petitioner is in custody from 14.03.2023 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 is none other than the



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husband of the victim/deceased. He also submitted that the petitioner was having an illicit affair with the wife of his elder brother, due to which, the victim has committed suicide by hanging and she has also left behind the suicide note. He further submitted that the petitioner was arrested only on 14.03.2023 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on 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 Judicial Magistrate, Mettupalayam**, and on further conditions that:



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[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 stay at Chennai and report before the Inspector of Police, R4, Soundarapandianar Police Station, everyday at 10.30a.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.

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To

1. The Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore.
3. The District Jail,
Coimbatore.
4. The Inspector of Police,
R4, Soundarapandianar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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