



CrI.O.P.No.8606 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

CrI.O.P.No.8606 of 2023

S.Ganesan @ Ganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J3 Guindy Police Station,
Chennai.

(Crime No.170 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.170 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : M/s.D.Bharathy

For Respondent : Mr.C.E.Pratap

Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.03.2023, in connection with Crime No.170 of 2023, registered for the alleged offences punishable under Sections 341, 294(b), 323, 506(ii) of IPC @ 306 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Gomathi, is that her elder daughter/victim was given in marriage to one Ganesh/A1, 11 years ago and they have one female child. And they used to quarrel with each other, due to which, the victim had filed a divorce petition before the Family Court, Chennai and whenever she attended the Court on hearing dates, the accused abused her in a filthy language and threatened her to withdraw the case, thereby, the victim unable to bear the torture given by the accused, has attempted to commit suicide by hanging and later, died in the hospital. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He



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further submitted that the marriage between the petitioner and the victim/deceased was performed 11 years ago and they have a female child and due to some misunderstanding, the victim had filed a divorce petition, for which, the petitioner, who want to rejoin with the victim, had asked her to withdraw the petition, whereas, the victim had committed suicide in her parental home. He also submitted that other than asking the victim to withdraw the divorce petition, the petitioner has not done anything and there is no material to show that the petitioner has abetted the victim to commit suicide. He further submitted that major part of the investigation is over and the petitioner is in custody from 13.03.2023 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 husband of the de-facto complainant's daughter/victim and since, the victim, due to the matrimonial dispute, has filed a divorce petition in Family Court, the petitioner had abused her in a filthy language and threatened her to withdraw the same and further, he has given a mental torture to her in several



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public places, due to which, the victim has attempted to commit suicide by hanging and later, died in the hospital, without responding to the treatment. He further submitted that investigation in this case is still pending, hence, he 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 conditions.

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**, each for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet**, 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 report before the respondent Police, 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.

25.04.2023

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To

1. The IX Metropolitan Magistrate Court,
Saidapet,
Chennai.
2. The Inspector of Police,
J3 Guindy Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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