



Crl.OP.No.10058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10058 of 2023

Arumugam

..Petitioner

Vs.

The State Represented by its
The Inspector of Police,
Panamarathupatty Police Station,
Salem District.

(Crime No.14 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with a case in Crime
No.14 of 2023 on the file of the respondent.

For Petitioner : Mr.M.Subash

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
08.04.2023 for the offence punishable under Section 174 Cr.P.C altered to
Section 306 of IPC, in Crime No.14 of 2023 on the file of the respondent
police, seeks bail.



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2. The case of the prosecution is that the petitioner is the husband of the deceased. The petitioner had illegal intimacy with the sister of the deceased. When the same was questioned by the deceased, there was a wordy quarrel between the petitioner and the deceased, due to which, the deceased committed suicide by hanging. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is the husband of the deceased. The petitioner had illegal intimacy with the sister of the deceased. When the same was questioned by the deceased, there was a wordy quarrel between the petitioner and the deceased, due to which, the deceased committed suicide by hanging. Initially, the case was registered for the offence under Section 174 Cr.P.C and thereafter, it has been altered into Section 306 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 08.04.2023, this Court is inclined to grant bail to the petitioner.

6. 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 Additional Mahila Court, Salem 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 Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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To

- 1.The Additional Mahila Court, Salem.
- 2.The Inspector of Police,
Panamarathupatty Police Station,
Salem District.
3. The Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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