



Crl.O.P.No.11244 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11244 of 2023

Rajasekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B6, Mappedu Police Station,
Thiruvallur District.

(Crime No.131 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.131 of 2023,
on the file of the respondent Police.

For Petitioner : Mr.P.Sugumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2023, in connection with Crime No.131 of 2023 for the alleged offence punishable under Section 174 Cr.P.C r/w Section 306 of IPC, seeks bail.

2. The case of the prosecution as per the de-facto complainant Selvi is that her daughter one Manjumadha was given in marriage to the accused/petitioner herein in the year 2014 and out of their wedlock, two children were born to them. The accused used to harass her and unable to bear their harassment caused by the accused, the victim/deceased had attempted to commit suicide by self immolation on 11.04.2023 and she was admitted to the hospital, but unfortunately, she died on the same day, without responding to the treatment. Hence the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner had married the victim during the year 2014 and they have two children. He would also submit that due to misunderstanding, there occurred



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a frequent quarrel between the petitioner and the victim and due to which, the victim had attempted suicide by self immolating her. The learned counsel would also submit that the major part of the investigation is over and the petitioner is in judicial custody from 11.04.2023. Thereby, he prays to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that from the date of marriage itself, the petitioner along with his mother have harassed the victim/deceased and unable to bear their harassment caused by the accused, the victim/deceased had attempted to commit suicide by self immolation and she died on the same day, without responding to the treatment. He further submitted that RDO enquiry report and lab report are pending and four witnesses have been examined. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by this 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 Judicial Magistrate No.II, Thiruvallur**, 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., until further orders;

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

[d] the petitioner shall not tamper with evidence



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or witness either during the 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.

17.05.2023

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To

1. The Judicial Magistrate No.II,
Thiruvallur.
2. The Inspector of Police,
B6, Mappedu Police Station,
Thiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

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