



Crl.OP.No.12010 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12010 of 2023

Noor Ahmed

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Ambur Town Police Station,
Tirupattur District.
(Crime No.192 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.192 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.T.Dhasarathan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 28.04.2023 for the offences punishable under Section 174 Cr.P.C. @ 306 of I.P.C. in Crime No.192 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that her daughter/deceased was married to the petitioner about 14 years ago and they have got three male children. Suspecting the fidelity of the deceased, there used to be a quarrel between the petitioner and the deceased. While so, on 22.04.2023, the *de-facto* complainant received a call from the petitioner stating that her daughter had committed suicide by hanging. Hence, the complaint. Initially the case was registered under Section 174 of Cr.P.C. Thereafter, it came to light that there was a dispute between the *de-facto* complainant's daughter and the petitioner, suspecting her character and he had abetted her to commit suicide. Hence the case was altered into Section 306 of IPC.



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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. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that the petitioner is the husband of the deceased wife. He is alleged to have picked up a quarrel with the deceased suspecting her fidelity. On the date of occurrence, she is alleged to have committed suicide. The petitioner and the deceased have three male children. Therefore, he vehemently objects for release of the petitioner on bail. He would further submit that if at all this court has to consider the bail, he insist for deposit of some amount in the name of the children of the deceased.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. On perusal of the First Information Report, it is found that the petitioner is employed as a daily wager. Therefore, there may not be an insist



for deposit of any amount.

7. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:

8. Accordingly, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambur, Tirupattur District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;



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(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

To

1. The Judicial Magistrate,
Ambur, Tirupattur District.
- 2.The Inspector of Police,
Ambur Town Police Station,
Tirupattur District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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