



Crl.O.P.No.13095 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.13095 of 2023

Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Eriyur Police Station,
Eriyur,
Dharmapuri District.

(Crime No.78 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.78 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 29.05.2023, in connection with Crime No.78 of 2023, registered under Section 174(3) Cr.P.C and later, 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, Rekha, is that her daughter/victim was given in marriage to one Murugesan/accused in the year of 2021 and out of their wedlock, they have got one 10 months old child. Further, the accused used to suspect the fidelity of the deceased/victim and harassed her constantly. While so, on 27.05.2023, the deceased/victim had committed suicide by self immolation. Based on the complaint given by the de-facto complainant, a case in crime No.78 of 2023 came to be registered under Section 174(3) of Cr.P.C. Later, during the course of investigation, 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 deceased/victim was solemnised in the year of 2021 and they have got a 10 months old child. He further submitted that since the petitioner had questioned the deceased/victim about her behavioural change, she had committed suicide. He also submitted that since the petitioner is a lorry driver, he had gone for a trip on 27.05.2023, on which day, his wife had committed suicide. He also submitted that the parents of the petitioner had admitted the deceased/victim in the hospital and she was taking treatment for a day, whereas, the respondent have not taken any steps to record the dying declaration from her. He also submitted that there is no material to show that the petitioner had abetted the victim to commit suicide. He further submitted that major part of the investigation is over and the petitioner is in custody from 29.05.2023 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.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the husband of the deceased/victim. He further submitted that the petitioner had used to harass the deceased/victim on suspecting her fidelity, due to which, she had committed suicide by self immolation. He also submitted that while the victim was in hospital, she had informed the respondent that she had attempted suicide, since, her husband was harassing her on suspecting her fidelity. He further submitted that the investigation in this case is 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.



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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 District Munsif cum Judicial Magistrate, Pennagaram, Dharmapuri District**, 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 stay at Neyveli and report before the Inspector of Police, Neyveli Township Police Station, everyday at 10.30a.m. 6.30p.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



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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 District Munsif cum Judicial Magistrate,
Pennagaram, Dharmapuri District.
2. The Inspector of Police,
Eriyur Police Station,
Eriyur,
Dharmapuri District.
3. The Sub Jail,
Dharmapuri.
4. The Inspector of Police,
Neyveli Township Police Station,
Neyveli.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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