



CrI.OP.No.14441 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14441 of 2023

Thirunavukkarasu

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Kurisilapet Police Station,
Kurisilapet, Tirupathur District.
(Cr.No.17 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.17 of 2023 on the file of the The Inspector of Police, Kurisilapet Police Station, Kurisilapet, Tirupathur district.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2023 for the offences punishable under Section 174 (3) Cr.P.C., 1973, subsequently altered to 498 (A), 304 (B) I.P.C in Crime No.17 of



CrI.OP.No.14441 of 2023

2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is an accused in Crime No.17 of 2023, originally registered under Section 174 (3) Cr.P.C., 1973, and later altered into 498 (A), 304 (B) I.P.C. He further submitted that petitioner was noway responsible for the suicide committed by his wife deceased Madumitha. She had relationship with one Thannajirao and he used to call her through video call. When petitioner questioned that, she committed suicide. The allegation that he demanded dowry from the deceased is not correct. Petitioner is in judicial custody from 02.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that the RDO report confirms that there was a demand of dowry and that is the cause for deceased to commit suicide.

4.Considered the rival submissions and perused the records.



CrI.OP.No.14441 of 2023

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5.From the consideration of the RDO report and the statement given by the Panchayatars reveal that deceased had relationship with someone, prior to her marriage with the petitioner. After marriage, she used to have conversation through video call to one Thannajirao. When it was questioned by the petitioner, it is claimed by the petitioner that she committed suicide. Village panchayatars stated that the reason for the deceased to commit suicide was relationship with one Thannajirao. In view of the contradictory information available with regard to the reason for the deceased to commit suicide and that substantial part of investigation might have been completed by this time, and the fact that petitioner is in judicial custody from 02.06.2023, this Court is inclined to grant bail to the petitioner with conditions.

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 **learned Judicial Magistrate No.II, Tirupathur**, and on further conditions that :-



CrI.OP.No.14441 of 2023

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

21.07.2023

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CrI.OP.No.14441 of 2023

To

1.The Judicial Magistrate No.II, Tirupathur

2.The Inspector of Police,
Kurisilapet Police Station,
Kurisilapet, Tirupathur District.

3.Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.14441 of 2023

G.CHANDRASEKHARAN. J.

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Crl.OP.No.14441 of 2023



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CrI.OP.No.14441 of 2023

21.07.2023