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Crl.O.P.No.14539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

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

Crl.O.P.No.14539 of 2023

1.Krishnan @ Gopalakrishnan
2.Muniappan

...Petitioners

Vs.

The State of Tamil Nadu Represented by,
The Inspector of Police,
Mahendramangalam Police Station,
Palacode Taluk, Dharmapuri District.
(Crime No.128 of 2022)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.128 of 2022 on the file of the respondent/police.

For Petitioners : Mr.R.Selvakumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Section 174(3) of Cr.P.C altered to Sections 498(A) and 306 IPC, in Crime No.128 of 2022 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are charged for the offences under Section 174(3) of Cr.P.C altered to Sections 498(A) and 306 IPC, in Crime No.128 of 2022. Petitioners are in judicial custody from 30.05.2023. They are falsely implicated in this case alleging that, they had abetted the suicide of the deceased Soundarya. It is his further submission that, in a matrimonial dispute, the deceased had taken an unfortunate decision of ending her life, for which, petitioners are no way responsible. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, Revenue Divisional Officer in his report vide Ne.Mu.M.C.No.262/2022/A2 dated 21.11.2022 ruled out



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the possibility of dowry harassment. However, he opined that, deceased Soundarya's father-in-law gave sexual torture to her and deceased Soundarya's husband, mother-in-law, sister-in-law and brother-in-law had harassed her. It is his further submission that, deceased left a suicide note pointing that, the accused are responsible for her committing suicide. Therefore, he prays for dismissing this petition.

4. Considering the fact that, there was a matrimonial dispute between the deceased and her husband for a quite some time and as a result, deceased ended her life and that petitioners are in judicial custody from 30.05.2023 and the fact that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palacode** and on further



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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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate, Palacode.
- 2.The Central Prison,
Salem.
- 3.The Inspector of Police,
Mahendramangalam Police Station,
Palacode Taluk, Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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