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Crl.O.P.No.17012 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

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

Crl.O.P.No.17012 of 2023

M.Madesh

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
Crime No.139 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.139 of 2023 on the file of the respondent police.

For Petitioner : Mr.B.Aravinthan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2023 for the offences punishable under Section 306 of IPC in Crime No.139 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in a case registered for the offence under Section 306 of IPC in Crime No.139 of 2023. He further submitted that, deceased is the wife of the petitioner. Deceased had committed suicide in connection with some dispute relating to family issues. However, petitioner is falsely accused in this case of abetting her suicide, alleging that, he always complained that, deceased had illicit intimacy with third person, which is totally false. Petitioner is in judicial custody from 04.06.2023. Thus, he seeks bail.

3. In reply, the learned Additional Public Prosecutor submitted that, as per FIR allegations, petitioner, under the influence of alcohol, used to suspect the modesty of his wife by complaining about her illegal



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intimacy with third person. On 31.05.2023, at about 11.00.p.m., petitioner came home after selling flowers in Hosur. Deceased said to have asked the amount of Rs.2,000/-, which was given by her to him. For which, petitioner responded saying that, he spent the amount and also scolded in filthy language and also hit her on her back and again starting consuming alcohol, which prompted the deceased to commit suicide.

4. When the matter came up for hearing on 08.08.2023, this Court sought for the statement of the victim. Today, statement of the victim under Section 161(3) of Cr.P.C., is produced.

5. Considered the rival submissions and perused the records. From the perusal of the statement of the victim under Section 161(3) of Cr.P.C., this Court finds that, there is nothing stated about the illicit intimacy between the deceased and the third person and that the petitioner abetted the deceased to commit suicide. All that was stated in her statement was that, she asked the petitioner to return the Rs.2,000/- to her, however, petitioner responded saying that, amount was spent and



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also scolded in filthy language and hit her on her back and started consuming alcohol, this prompted the deceased to commit suicide.

6. From the statement, it is evident that, there is no abetment on the part of the petitioner to commit suicide by the deceased. In the said circumstances and also considering the fact that the petitioner is in Judicial Custody from 04.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

7. Accordingly, petitioner is ordered to be released on bail on his executing a 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 **District Munsif Cum Judicial Magistrate, Denkanikottai** 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.



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[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.

09.08.2023

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G.CHANDRASEKHARAN. J.



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sma

To

1. District Munsif Cum Judicial Magistrate,
Denkanikottai
2. District Prison,
Dharmapuri.
3. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

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