



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.20131 of 2023

1.Devendiran
2.Nithya

.. Petitioners/ Accused 1& 2

Vs.

State rep by
Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.
(Crime No. 94/2023)
Respondent

...

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.94 of 2023 pending investigation on the file of the respondent police.

For Petitioners : M/s.M.Velmurugan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



ORDER

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The defacto complainant is a 17 years old girl and daughter of the 1st petitioner, born through his first wife. On 12.08.2023, there was wordy quarrel between the first wife and the second wife of the 1st petitioner.

2. The 1st petitioner has supported his second wife and also alleged that he attacked his first wife. The defacto complainant, who is the daughter born to the first wife, tried to prevent further assault on her mother at the hands of the 1st petitioner. At that time, the 1st petitioner and his second wife/2nd petitioner abused the defacto complainant in filthy words which has forced the defacto complainant to consume poisonous substance to end her life.

3. The case has been registered on 14.08.2023 against the 1st petitioner and his second wife/2nd petitioner for the offences under Sections 294(b), 323, 506(i) IPC r/w. Section 4 of the TN Prohibition of Harassment of Women Act, 2002, r/w. Section 305 & 511 of IPC. The petitioner was arrested on 14.08.2023. The defacto complainant, who was admitted in the hospital, is now discharged from the hospital after her recovery.



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4. The learned counsel for the petitioners submits that even according to the complaint there is no ingredient to attract the Section 305 IPC in this complaint. The complaint has been given due to sudden quarrel between the family members and the 1st petitioner, who is taking care of both the family, is now in prison for more than 17 days. They are ready to abide by any condition, if they released on bail.

5. Taking note the facts and circumstances, this Court is of the view that the petitioners may be granted bail. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) each petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Judicial Magistrate No.I, Virudhachalam, Cuddalore District;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioners shall report before the Investigating Officer daily at 10.30 a.m., until further orders;**



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

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

01.09.2023

rpl

To

1.The Judicial Magistrate No.I, Virudhachalam, Cuddalore District.

2.The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.

4/6



3.Sub Jail,
Virudhachalam.

4.The Superintendent,
Central Prison(Women),
Cuddalore.

5.The Public Prosecutor,
High Court, Madras.

Dr.G.JAYACHANDRAN, J.

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