



CrI.OP.No.21021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

**CrI.OP.No.21021 of 2023**

R.Prakash

...Petitioner

Vs.

The State Rep by  
Assistant Commissioner of Police,  
Sooramangalam Division,  
Salem.  
(Crime No.366 of 2023)

...Respondent.

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.366 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Ezhilnilavan

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor



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**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.06.2023 registered for the offences punishable under Sections 174(3) of Cr.P.C. altered to 306 IPC in Crime No.366 of 2023 on the file of the respondent police seeks bail.

2. It is the submission of the learned counsel for the petitioner that, petitioner is the husband of the deceased. Deceased committed suicide by hanging. Petitioner is not responsible for the deceased to commit suicide. Petitioner is in Judicial Custody from 17.06.2023. Thus, he seeks bail to the petitioner.

3. In response, Additional Public Prosecutor submitted that, marriage between the petitioner and the victim had taken place on 22.01.2018. They have a small son. Petitioner had illegal affair with minor girl aged 17 years. When it was known to the deceased, she advised her husband not to have any kind of sexual relationship with the minor girl. Without hearing the deceased, petitioner continued his



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relationship. He also abused and physically assaulted the victim. Further, as per the statement of the victim's father, petitioner had also harassed the victim by demanding dowry and committed cruelty on her.

4. The copy of the dying declaration of the deceased was placed before this Court. This Court finds nothing incrimination stated by the deceased against the petitioner. In the said circumstances, considering the duration of custody of the petitioner ie., from 17.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the 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 Judicial Magistrate No.III, Salem** 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 report before the**



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**respondent Police daily at 10.00.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.

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To

1. Judicial Magistrate No.III, Salem
2. Assistant Commissioner of Police,  
Sooramangalam Division,  
Salem.
3. Central Prison,  
Salem.
4. The Public Prosecutor,  
High Court of Madras



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**G.CHANDRASEKHARAN. J.**

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