



WEB COPY



Crl.O.P.No.3250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.3250 of 2024

Gurunathan

... Petitioner

Vs.

State represented by
Inspector of Police,
Avinashipalayam Police Station,
Tiruppur.
Crime No.07 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.7 of 2024 on the file of
the respondent.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 03.01.2024, for the offences registered under Section 306 of IPC in Crime
No.7 of 2024 on the file of the respondent Police, seeks bail.

2.The deceased is the wife of the petitioner. It is stated that the



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marriage between the petitioner and the deceased took place nearly about 11 years back. They had a daughter and son. It is further stated that owing to various dispute between the family, the deceased had consumed poison and admitted in the hospital and later, died.

3.The case of the prosecution is that owing to the mental stress caused by the petitioner, the deceased had taken the extreme steps.

4.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Palladam 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 respondent police on everyday at 10.30 a.m., until further orders.

[c]The petitioner should deposit a sum of Rs.2,00,000/-(Rupees



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Two Lakhs only) to the credit of Crime No.7 of 2024 before the Judicial Magistrate, Palladam and on such deposit, the learned Magistrate concerned may transfer a sum of Rs.1,00,000/- each to the names of the two minor children of the petitioner and deposit the amount in a fixed deposit earning interest and retaining the fixed deposit for a minimum period of three years and ensure that the interest flows to the guardian of the two children namely the maternal grand mother. After 30 days from the date of release, the petitioner must deposit a further sum of Rs.5,00,000/- (Rupees Five Lakhs only) and again, out of that amount may be divided and a sum of Rs.2,50,000/- each may be again deposited in a fixed deposit on the same condition. After maturity of the three years, the amount together with interest may be handed over to the guardian of the two children but not to this petitioner and may be retained in joint deposit in the respective names of the two children and their guardian, to be enjoyed by them when they attain the age of majority.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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[(2005)AIR SCW 5560].

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

13.03.2024

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To

- 1.The Judicial Magistrate, Palladam.
2. The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur.
- 3.The Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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