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CRL O.P. No.23067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.23067 of 2024

1. Sekar S/o. Chinnathambi
2. Dhanalakshmi W/o. Chinnathambi
3. Amutha W/o. Karthick ... Petitioners/ Accused
Vs

State rep. by:-

The Inspector of Police,
E3 Teynampet Police Station,
Chennai. ... Respondent
[Cr. No.328 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 439 of Criminal Code of Procedure, praying to grant bail to the petitioners/Accused in Crime No.328 of 2024 on the file of the respondent police.

For Petitioners : Mr. T.I. Ramanathan

For Respondent : Mr.S. Vinoth Kumar,
Government Advocate [Criminal side]



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Yeshwanth fell down in the stairs and injured, that the deceased wife's family, instead of taking the injured son to hospital, were doing some black magic in their village and hence wordy quarrel arose between the petitioners and the family of the deceased, that the deceased wife always used to blackmail the petitioners that she will commit suicide and she has also attempted suicide for 5 times, that the 2nd and 3rd petitioners are not living with the 1st petitioner, that these petitioners have not committed any offence and they have been under judicial custody for the past more than two weeks. Hence, he seeks bail to the petitioners.

4. The learned Government Advocate (Criminal side) would submit that the 1st petitioner is the husband of the deceased, 2nd petitioner is the mother-in-law and the 3rd petitioner is her sister-in-law, that the 1st petitioner under the influence of alcohol, used to torture his wife, that on the date of occurrence, these petitioners harassed the deceased both verbally and physically and due to which, the deceased committed suicide by hanging in the ceiling fan and that investigation is pending and hence he strongly objected to grant bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that already there is a family dispute between the petitioners and the deceased, that there is no previous case pending against the petitioners and considering the period of incarceration underwent by the petitioners, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are 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 **XVIII Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.00 A.M. until further orders.

[c] the petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which he is suspected;



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[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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.

20.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

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TO

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- 1.The XVIII Metropolitan Magistrate, Saidapet, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police,
E3 Teynampet Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal, Chennai-66.

P.DHANABAL,J

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