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Crl.O.P.No.28856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

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

Crl.O.P.No.28856 of 2023

Nivas Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Mangalam Police Station,
Tiruppur.
Crime No.468 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.468 of 2023 on the file of
the respondent police.

For Petitioner : Mr.J.Franklin

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

ORDER

The petitioner has filed a memo seeking to alter the Section 306
IPC @ Section 306 and 323 of IPC instead of Section 306 IPC in the petition.



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The memo has been recorded. Before issuing the order copy, the Registry may carryout the corrections.

2. The petitioner seeks bail in Crime No.468 of 2023 and he had been arrested and remanded to judicial custody on 17.11.2023.

3. The deceased was the wife of the petitioner herein. The case of the prosecution is that the daughter of the defacto complainant had married the petitioner and met with continuous harassment at the hands of the petitioner. Thereafter, out of extreme frustration, she had committed suicide.

3.The learned counsel for the petitioner drawn the attention of this Court to the First Information Report, where, it is seen that there has been continuous domestic problems between the petitioner and the defacto complainant and there is a young child whom the petitioner has to look after.

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 No.IV Tiruppur and on further conditions that:-



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[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 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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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate No.IV, Tiruppur.
- 2.The Inspector of Police,
Mangalam Police Station,
Tiruppur.
- 3.The District Jail, Tiruppur.
4. The Public Prosecutor, High Court of Madras.

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