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Crl.O.P.No.31366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31366 of 2024

Palanisamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Steel Plant Police Station,
Salem District.
(Crime No.350 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.350 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.M.Esakkiappan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.350 of 2024 registered under Section 194 of BNSS and later, altered to the offence punishable under Sections 85 and 108 of BNS.

2. The incarceration of the petitioner being from 29.11.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner married the victim/deceased 18 years ago and they have two children. He further submits that on the alleged date of occurrence, there arose a quarrel between the petitioner and the victim, due to which, the victim had committed suicide and there is no material to show that the petitioner had abetted the victim to commit suicide. He also submits that there is no demand of dowry and major part of the investigation is over and further, the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that since the petitioner had refused the victim to visit her brother's wife, who was admitted to the hospital, there was a quarrel between them and due to which, the victim had committed suicide by consuming poison. He further submits that the RDO enquiry is pending.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering the facts of the case and the period of incarceration undergone by the petitioner, this court is inclined to grant



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bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, 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 respondent Police, 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]***;



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A.D.JAGADISH CHANDIRA., J.

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

16.12.2024

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To

1. The Judicial Magistrate No.I,
Salem.
2. The Inspector of Police,
Steel Plant Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

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