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CrI.O.P.No.31761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

CrI.O.P.No.31761 of 2024

Murali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.

(Crime No.119 of 2022).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.119 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Rameshkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate

ORDER

Petition seeking bail in respect of Crime No.119 of 2022 registered for the offences punishable under Sections 174(3) and 306 of IPC, is on board for consideration.



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2. The incarceration of the petitioner being from 18.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He submitted that the petitioner is innocent, and that the marriage between the petitioner and the victim was solemnized 6 years ago and they were living together. He would submit that the victim suspected that the petitioner was having an illicit affair and thereby, she has consumed poison and that there is no material to show that the petitioner has either demanded dowry or abetted the victim to commit suicide. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had abetted the victim, his wife, to commit suicide and thereby, she has committed suicide by consuming poison. He further submitted that the marriage between the petitioner and the victim was solemnized 6 years ago, and that the RDO enquiry was conducted, during which, it was found that there was no demand of dowry. However, there are materials to show that the petitioner had illicit intimacy with another women and thereby the victim had



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committed suicide by consuming poison.

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 considering the period of incarceration undergone by the petitioner, this court is inclined to grant 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, Palacode**, 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 stay at Palacode and report before the respondent police everyday at 10.30 a.m. until further orders. It is made clear that the petitioner shall not enter into his village until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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Anu

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

19.12.2024

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To

1. The Judicial Magistrate, Palacode
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The Superintendent,
District Jail, Dharmapuri
4. The Public Prosecutor,
High Court of Madras.

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