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Crl.O.P.No.1516 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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

Crl.O.P.No.1516 of 2025

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-3, Ashok Nagar Police Station,
T.Nagar, Chennai.

(Crime No.420 of 2024).

... 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.420 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

Petition seeking bail in respect of Crime No.420 of 2024 registered for the offences punishable under Section 108 of BNS, is on board for consideration.



Crl.O.P.No.1516 of 2025

2. The incarceration of the petitioner being from 03.01.2025 pleading 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 is none other than the husband of the victim/deceased and he has no intention or motive to cause death of his wife. He further submits that the petitioner has not abetted the victim/wife to commit suicide and the incident had happened only due to the sudden provocation during the quarrel between the husband and wife. He also submits that even as per the prosecution, on the alleged date of occurrence, the petitioner was under the influence of alcohol and during the quarrel, the victim/wife had threatened the petitioner by saying that she would self immolate by pouring thinner on her, due to which, the petitioner had poured thinner on her, whereas, the petitioner had not set fire to the victim. He also submits that the petitioner himself had taken the victim to the hospital and the victim died at the hospital after five days without responding to the treatment. He also submits that the petitioner, aged about 54 years, is ready to abide by any stringent condition that may be imposed by this court.

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 victim/wife had committed suicide by self-immolation since her



Crl.O.P.No.1516 of 2025

husband/petitioner herein, in an inebriated condition, he quarrelled with her and abetted her to commit suicide, by pouring thinner on her. He further submits that the dying declaration was also recorded from the victim/deceased and the case is under investigation.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the First Information Report and considering the nature of allegation and 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 **XVII Metropolitan Magistrate, Saidapet**, 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 06.30 p.m., until further orders;

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



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Crl.O.P.No.1516 of 2025

A.D.JAGADISH CHANDIRA.,J.

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[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 269 of B.N.S.

23.01.2025

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To

1. The XVII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R-3, Ashok Nagar Police Station,
T.Nagar, Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1516 of 2025