

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

PRESENT: Thiru. Swarnam J. Natarajan M.L.,
Principal Sessions Judge, Tiruppur.

Friday, the 14th day of October, 2022

Cr.M.P.No.1929/ 2022

T. Veerakumar (26)
S/o. Thangam

.....Petitioner/Accused

Vs.

State Rep. by
The Sub Inspector Police,
Anuparpalayam Police Station
Tiruppur.
(Cr.No.3368/2022)

.....Respondent/Complainant

This petitions coming on this day for final hearing before me in the presence of Thiru.S.Kumaran, Advocate for the petitioner and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

ORDER

1. The petitioner, who is in custody for the offences punishable u/s.174(3) Cr.PC @ 498(A), 304(B) IPC had filed this petition u/s. 439 of Cr.P.C. seeking for his release on bail.

2. The petitioners were remanded on 21.09.2022 and they are in judicial custody for the past 24 days.

3. According to the petitioner, he has not committed any offence, he is innocent, no previous case against the petitioner. The petitioner was worked at Tiruppur in Garments Embroidery unit. At the time one Bharathi also worked with him as Assistant in the same unit. Both were loved each other and got married and lived as joint family with her brother and sister

who were also worked in the same unit. During the marriage period the deceased Bharathi suffered by mentally and physically. She made suicide by hanging on 21.09.2020. Accordingly, the defacto complainant lodged complaint against the petitioner. The earlier bail petition in CMP.No.1871/2022 was dismissed by this court on 28.09.2022. He is the only bread winner of his family, he is innocent, his parents are under medical treatment. He never committed any offence. He will not abscond or tamper the witnesses. He is ready to abide by any condition imposed by this court and willing to produce sufficient sureties to the satisfaction of this Court and hence prays to grant bail to him.

5. The learned Public Prosecutor has submitted that the accused is absconding and he has not appeared for investigation, the investigation is pending, he belongs to other district, if the petitioner is released on bail, he will cause life injurious to the defacto complainant and hence the prosecution side strongly opposed for grant of bail to the petitioner and prays for dismissal of the petition.

6. The petitioner was said to have committed u/s.174(3) Cr.PC @ 498(A), 304(B) IPC. The incident took place in the year 2020 and the petitioner is the husband of the deceased to commit suicide by hanging herself with her thupatta in the house. The FIR reveals no prima-facie material against the accused person. Considering the fact that investigation has been completed and charge sheet is propose to laid against the petitioner, this court is inclined to consider the bail application and the petition is allowed.

In the result, the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate No.III, Tiruppur with a condition

that the petitioner should appear before the respondent police daily morning at 10.00 a.m., and sign for 30 days, thereafter he should appear before the court concerned on receipt of summon.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

The petitioner shall not try to contact, influence, threaten or pressurize the victim or complainant or other material witnesses and shall not tamper with the evidence and shall appear before the respondent/ Investigation Officer as and when required for investigation.

On breach of the aforesaid conditions, the learned Judicial Magistrate is directed to take appropriate action against the petitioner in accordance with the law as laid out in the judgment of Hon'ble Supreme Court in P.K. Shaji in AIR 2005 SCW 5506.

If the petitioner absconds, a fresh F.I.R shall be registered u/s.229(A) of IPC.

Given by me, this the 14th day of October, 2022.

Principal Sessions Judge
Tiruppur.

Copy to :

1. The Judicial Magistrate III, Tiruppur.
2. The Public Prosecutor, Tiruppur.
3. The Sub Inspector of Police, Anuparpalayam Police station
4. Counsel for the petitioner.