

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15392 of 2019

S.BALAN

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.237 OF 2019.

For Petitioner : M/S.S.NAGARAJAN Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.05.2019 for the offences punishable under Sections 417, 506 (ii) and 306 of I.P.C. in Crime No.237 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had love affair with the deceased and on false promise he had sexual intercourse with the deceased. Thereafter, he switched off his phone and went abroad and also refused to marry her. It was informed to his in-laws, and they also refused to arrange marriage between the petitioner and the deceased. Thereafter, she lodged a complaint before the respondent. Even then, it was not registered. Therefore she attempted to commit suicide by consuming poison. Even then, the petitioner refused to marry her and as such she committed suicide by hanging herself. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner never refused to marry her and he was always ready to marry the victim girl. Since she belongs to other community their parents and other relatives objected the same. While pending negotiation between the family members, unfortunately she committed suicide. Further, he submitted that at the time of occurrence, the petitioner

was in abroad and he never instigated or abetted the deceased to commit suicide. Further he submitted that the petitioner was arrested and remanded to judicial custody on 02.05.2019. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that it is a clear case of abetment or instigation by the petitioner to commit suicide. For the past two years on false promise he had sexual intercourse with the deceased and thereafter, he went abroad without even any contact with the deceased. On so many occasions the deceased and her family members requested to arrange marriage for which the other in-laws scolded them with filthy language and refused to marry her with the petitioner. She further submitted that as seen from the suicide note of the deceased that there is a specific allegation as against the petitioner. Therefore, she vehemently opposed to grant bail to the petitioner.

5.It is seen admittedly the petitioner got love affair with the deceased and had physical relationship with the deceased for the past two years. Thereafter the petitioner without even informing to the deceased he went abroad and refused to marry her. It is also seen that the deceased initially lodged a complaint before the respondent for which there was no action and as such she attempted to commit suicide. Fortunately she was saved. Even then, the petitioner and her relatives did not take any steps to marry her. Now, it is also seen at the time of occurrence, the petitioner was in U.S.A.

6.Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond with two blood sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court-1, Krishnagiri and on further conditions that :-

[a] the two blood 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 daily at 10.30 a.m., and at 5.30 p.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.

-sd/-
08/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.S.NAGARAJAN Advocate on payment of necessary
charges SR.NO.13679

CRL OP.15392/2019

Date :08/07/2019

WEB COPY

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