



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/08/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD) . No.11727 of 2019

Chandru

... Petitioner/Accused

Vs

State rep by  
The Sub-Inspector of Police,  
Odaipatti Police Station, Odaipatti,  
Uthamapalayam Taluk,  
Theni District.  
Crime No.103 of 2019.

... Respondent/Complainant

For Petitioner : M/s.G.Vanjinathan,  
Advocate.

For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

PRAYER :-

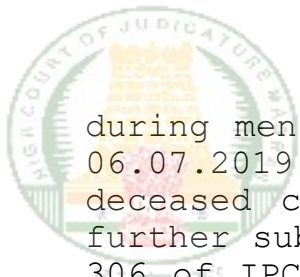
For Bail in Crime No.103 of 2019 on the file of the Respondent Police.

**ORDER :** The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Section 174 Cr.P.C @ 306 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that originally the First Information Report was registered under Section 174 Cr.P.C and later it was altered to section 306 of IPC. He further submitted that based on the complaint given by one Tmt. Theivam, who is the mother of the deceased, the First Information has been registered. He further submitted that in the said complaint the defacto complainant has stated that the deceased girl was aged about 17 years and she was having pain in her stomach



during menstrual period for which she was taking treatment and on 06.07.2019 she went to attend some work and at that time, the deceased committed suicide by hanging herself in her house. He further submitted that the police has altered the case under Section 306 of IPC on 06.08.2019 i.e., nearly after one month based on the further statement given by the defacto complainant and her husband and the statement given by their second daughter (Divya) who is aged about 14 years. He further submitted that the said Divya gave statement under Section 161(3) Cr.P.C before the respondent police stating that on 06.07.2019 when the deceased and herself were returning to their house after attending natural call, the petitioner herein intercepted them and compelled the deceased to love him and hence she committed suicide. He further submitted that if the said occurrence is true, the said witness Divya would have stated the said fact immediately on the date of occurrence itself, but the statement has been recorded only on 06.08.2019 and for that there is no explanation from the police. He further submitted that due to previous enmity a false statement has been recorded against the petitioner and the petitioner has been falsely implicated in the above case. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 06.08.2019 and he is in custody for the past 22 days. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 06.07.2019 when the deceased and her sister Divya were returning to their house after attending natural call, the petitioner intercepted them and compelled the deceased to love him and hence she committed suicide. He further submitted that the investigation is at the initial stage. Hence he strongly opposed to grant bail to the petitioner.

5. The First Information Report has been registered based on the complaint given by the mother of the deceased in which the defacto complainant has stated that the deceased is having pain in her stomach during menstrual period and for that treatment was also taken. Though it is stated that on 06.07.2019 the deceased and her sister(Divya) were returning home after attending natural call the petitioner intercepted them and compelled the deceased to love him, the said fact has not been immediately disclosed by Divya either to her parents or to the police and only after a month i.e., 06.08.2019 the police has recorded the statement from the said Divya.

6. Taking into consideration of the aforesaid facts and also the fact the petitioner is in custody for the past 22 days, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Uthamapalayam.



[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

[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/-  
27/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
- 3.THE SUB-INSPECTOR OF POLICE,  
ODAIPATTI POLICE STATION, ODAIPATTI,  
UTHAMAPALAYAM TALUK, THENI DISTRICT.
- 4.THE OFFICER INCHARGE, SUB JAIL  
THEKKAMPATTI,ANDIPATTI,THENI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.G.VANJINATHAN Advocate SR.No.14127

ORDER  
IN  
CRL OP(MD) No.11727 of 2019  
Date :27/08/2019

TK/VR/SAR.2/27.08.2019/3P/7C