



WEB COPY

CRL OP(MD). No.11734 of 2019

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.11734 of 2019

Chandru @ Santhuru

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
Crime No.181/2019

... Respondent/Complainant

For Petitioner : M/s.A.Mohamed Haneef,
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. 181 of 2019 on the file of the respondent police

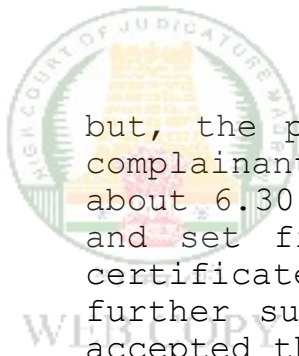
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Sole Accused seeking bail for the alleged offence punishable under Section 306 of IPC, in Crime No.181 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the First Information Report has been registered based on the complaint given by the mother of the deceased. He further submitted that in the complaint, the defacto complainant has stated that the victim girl and the petitioner herein loved each other and she also gave consent for their love. He further submitted that in the said FIR, she has stated that on 17.07.2019 at about 10.00 p.m the deceased stated that she felt that she was conceived

<https://hcservices.ecourts.gov.in/hcservices/>



but, the petitioner refused to marry her and for that the defacto complainant has consoled her and on next day (I.e.,18.07.2019) at about 6.30 a.m the deceased went to bath room and poured turban oil and set fire herself. He further submitted that the post mortem certificate does not reveal that the deceased was pregnant. He further submitted that since the parents of the deceased have not accepted their love, the deceased committed suicide and for the said act, the petitioner is in no way responsible. He further submitted that the petitioner was arrested on 20.07.2019 and from that date onwards he is in custody. He further submitted that by this time the investigation might have been completed and hence, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor has submitted that the petitioner and the deceased fell in love and the petitioner had physical contact with her by giving false promise that he will marry her and made her pregnant but subsequently, he refused to marry her and hence, she committed suicide and therefore, he strongly opposed this petition.

5.Taking into consideration of the fact that even though it is stated in the FIR that the deceased told her mother that she felt that was conceived but the post mortem certificate reveals that she was not pregnant and also the fact that the petitioner is in custody from 20.07.2019 and by this time the major portion of the investigation might have been completed, 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 learned Chief Judicial Magistrate, Thiruchendur.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.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].



CRL OP(MD). No.11734 of 2019

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/08/2019

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL,
PERURANI.
 4. THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.MOHAMED HANEEF Advocate SR.No.14096

ORDER
IN
CRL OP(MD) No.11734 of 2019
Date :27/08/2019

MS/VR/SAR-3/28.08.2019/3P.7C