

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7665 of 2020

1. Paramasivam

2. Ramesh

... Petitioners

Vs.

State represented by
The Inspector of Police,
Veeraganur Police Station,
Salem District.

... Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge
the petitioners on bail in Crime No.26 of 2020 pending investigation on the
file of the respondent/police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.Karthikeyan

Additional Public
Prosecutor

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ORDER

The respondent initially registered a case under Section 174 Cr.P.C. subsequently it was altered into Sections 294(b), 323 and 306 IPC in Crime No.26 of 2020 on the complaint of VAO on 07.03.2020. The petitioners were arrested and remanded to judicial custody on 16.03.2020.

2. The case of the prosecution is that the petitioners and the deceased Latha were residing in the same village. Four years prior to the occurrence, the 1st petitioner was in relationship with the deceased Latha, taking advantage of the relationship, the 1st petitioner received money from the deceased and entrusted the same to his sister Malar for construction of her house. Subsequently the deceased and her husband viz., Manoharan settled at Tiruppur for his employment. Thereafter, the deceased Latha came back to her native. On 06.03.2020 at 9.00 a.m. the deceased Latha went to the house of Malar, where, Malar and one Rajathi, who is the wife of the second petitioner, were there. On seeing them the deceased shouted and asked them to return the money, for which, a wordy altercation arose between them, during which, Malar and Rajathi joined together and abused the deceased Latha in filthy language and beaten her with hands. The deceased went to

her house and committed suicide by hanging. On 07.03.2020, the Village Administrative Officer lodged a complaint for the offence under Section 174 Cr.P.C. subsequently it was altered into Sections 294 (b), 323 and 306 IPC Hence, this complaint.

3.The learned counsel appearing for the petitioners would submit that there is no specific allegation against the petitioners, the respondent had proceeded on a wrong premise against them. He would also submit that the Village Administrative Office, who informed about the suicide of Latha, had not stated anything with regard the petitioners and no incriminating materials were found in the scene of occurrence. Further he would submit that the petitioners are in judicial custody from 16.03.2020 and seeks bail for the petitioners.

4.The learned Additional Public Prosecutor would submit that the first petitioner taking advantage of the relationship with the deceased Latha, received money from her and entrusted the same to his sister Malar for construction of her house. When the deceased Latha went to the house of Malar and asked for return of money, Malar and Rajathi, wife of the second

petitioner joined together and abused the deceased Latha in filthy language the petitioners joined with them and beaten and assaulted her, which was witnessed by the entire villagers, which led to the suicide of the deceased Latha. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 16.03.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) the petitioners shall execute their own bond for a sum of Rs.10,000/-(Rupees ten thousand only) each before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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];

(h)if the accused thereafter absconds, a fresh FIR can be registered

under Section 229A IPC.

19.05.2020

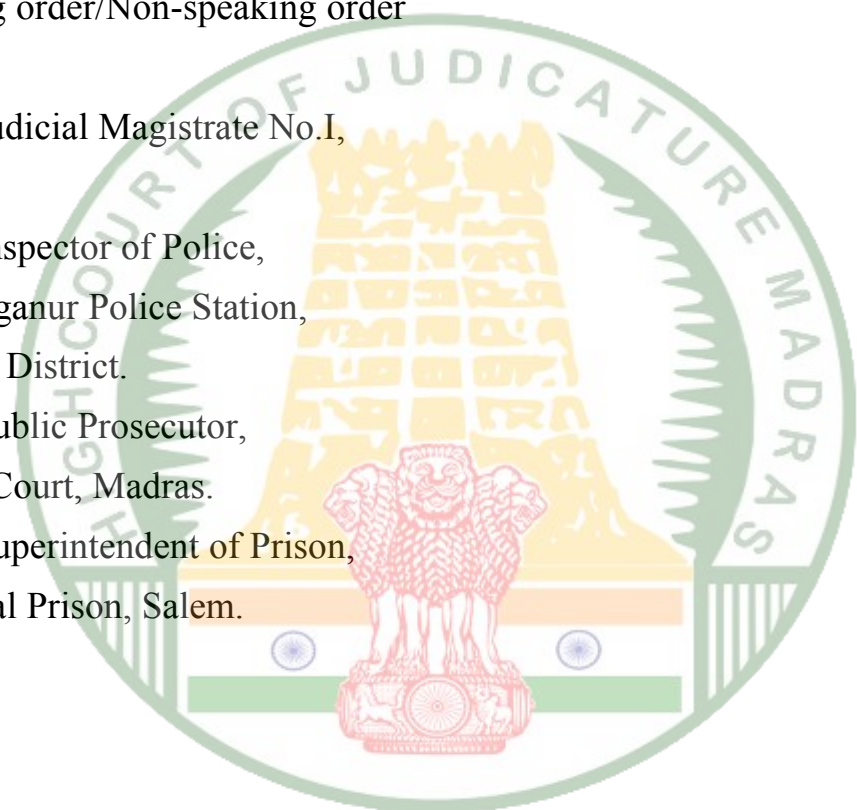
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Index: Yes/No

Speaking order/Non-speaking order

To

1. The Judicial Magistrate No.I,
Attur.
2. The Inspector of Police,
Veeraganur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent of Prison,
Central Prison, Salem.

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top of the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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M.NIRMAL KUMAR.J.

nsd



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