

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8492 of 2020

Saravanan

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Kunnam Police Station,
Perambalur District.
Crime No.753 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.753 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Balu

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.05.2020 in Crime No.753 of 2020 on the file of the respondent police for the offences punishable under Sections 174 Cr.P.C @ 294(b), 306 IPC, seeks bail.

2. The case of the prosecution as per the defacto complainant is that he got married to the victim, 20 years back and they have got two children. Several years back, the victim and the defacto complainant got separated and prior to six months, she has joined with the defacto complainant. While so, the accused, who are neighbours, used to tease her and demoralise her character, due to which, the victim committed suicide by self-immolation on 21.05.2020. Originally, the case was registered under Section 174 Cr.P.C and thereafter, the case has been altered to 294(b), 306 IPC and the petitioner was arrested and remanded to judicial custody on 27.05.2020.

3. The learned counsel for the petitioner would submit that the petitioner is a neighbour and that due to previous enmity, he has

been falsely implicated in this case. He would submit that even perusal of the FIR does not disclose that the petitioner is the cause for the suicide.

4. The learned Additional public Prosecutor would submit that the victim and the defacto complainant got married 20 years back and they were separated for long years and that six months prior to the occurrence, the victim had rejoined with her husband. While so, the accused who are the neighbours, used to abuse the victim and tease her and demoralize her character, due to which, on 21.05.2020, the victim had committed suicide by self-immolation. He would further submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the Counsels and the petitioner is inside in custody from 27.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned Judicial Magistrate No.II, Perambalur, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, 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 petitioner shall report before the respondent police on every day at 10.30 a.m., for a period of one week, thereafter, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

(j) It is made clear that the petitioner shall not come out of the house and he will stay inside the house.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
29/06/2020

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.II,
PERAMBALUR.

2 THE OFFICER INCHARGE,
SUB-JAIL, PERAMBALUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S.K.BALU Advocate on payment of necessary charges

CRL OP.8492/2020

Date :29/06/2020

MN-RVR-18/08/2020