

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 8933 of 2020

T. Suriyakumar

... Petitioner

-vs-

State Rep. by
The Sub Inspector of Police,
Moranum Police Station. Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the Crime No. 338/2019 on the file of the Sub-Inspector of Police, Moranam Police Station, Tiruvannamalai District.

For Petitioner : Mr. R. Arun Dattan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.06.2020 in Crime No. 338 of 2019 which was registered by the Respondent for the offence punishable under Section 174 of Criminal Procedure Code, 1973, and later altered to offence punishable under Section 306 of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution as per the de-facto complainant, Kathirvel is that his son Prasanth, who is a Divorcee, had committed suicide. Based on that complaint, the case has been registered under Section 174 of Criminal Procedure Code, 1973. Thereafter, during enquiry, it was found that the deceased had committed suicide due to harassment by the Petitioner and his son.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that even as per the complaint given by the father of the deceased, no averment has been made against the Petitioner. Thereafter, due to enmity, unnecessarily the name of the Petitioner has been included in the case. The Petitioner was arrested and remanded to judicial custody on 10.06.2020.

4.The learned Additional Public Prosecutor would submit that the Petitioner is the neighbor of the deceased. He would further submit that two days prior to the occurrence, the deceased had reprimanded the son of the Petitioner for watching porn videos and thereafter, the Petitioner and his son have humiliated and abused the deceased and hence, the deceased committed suicide by hanging, and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case, 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) each, before the learned Judicial Magistrate, Cheyyar within 15 days from the date of lifting of the lockdown 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 everyday at 10.30 a.m. for a period of two weeks and 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.

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

-sd/-
26/06/2020

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 PRINCIPAL DISTRICT
SESSIONS JUDGE, TIRUVANNAMALAI

2 THE JUDICIAL MAGISTRATE,
CHEYYAR

3 THE JAILOR
SUB-JAIL, POLUR

4 THE ADDITIONAL PUBLIC
PROSECUTOR, MADRAS HIGH COURT,
CHENNAI-600 104.

5 SUB INSPECTOR OF POLICE,
MORANUM POLICE STATION,

CC to M/S.R.ARUNDATTAN Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.8933/2020

Date : 26/06/2020

rd 21/07/2020