

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.No.9183 of 2020

S.Subramani

... Petitioner

-vs-

State represented by

The Inspector of Police,
Malliyakarai Police Station,
Salem District.

(Crime No.200 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.200 of 2020 on the file of the respondent police.

For Petitioner : M/s.Karan and Uday

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 25.05.2020 for the offences punishable under Sections 294 (b), 323, 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 altered to Section 306 of I.P.C. in Crime No.200 of 2020 on the file of the respondent police, seeks bail.

2. Originally the case was registered under Sections 294 (b), 323, 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 on the complaint given by one Selvarani and after the death of the victim, the case was altered to Section 306 of I.P.C.

2.The case of the prosecution as per the statement of the victim is that the petitioner/accused is the neighboring farm owner and her husband is a lorry driver. Whiles, on 19.05.2020, when the husband of the petitioner was away, the petitioner came to the house of the deceased in an inebriated condition and demanded the victim to come along with him to satisfy his sexual desire, due to which the victim was mentally wounded and consumed rat poison on 21.05.2020 and thereafter, she was admitted in the hospital and despite treatment

she died on 26.05.2020.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that subsequently another statement has been recorded from the victim wherein she has stated that she was having illicit intimacy with the de-facto complainant for the past eight years. He would further submit that since the petitioner refused to give money to the victim, she had a quarrel with him and consumed the rat poison on 21.05.2020. Thereafter, she was taken to the hospital and later thereafter died on 27.05.2020.

4.The learned Additional Public Prosecutor would submit that on 19.05.2020 the petitioner went to the house of the de-facto complainant and demanded her to co-operate with him for having sexual intercourse. Since the said incident happened in the presence of her daughters, the victim was ashamed and consumed rat poison on 21.05.2020. Thereafter, she was taken to the hospital and despite treatment died on 26.05.2020.

5.Taking into consideration of the facts and circumstance of this case and also taking into consideration the period of incarceration, 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 II, Attur, Salem District 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 daily at 10.30 A.M. for a period of four weeks and thereafter every monday at 10.30 a.m. until further orders.

(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

action against the Petitioners 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];

(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/-
30/06/2020

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 II,
ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MALIYAKARAI POLICE STATION,
SALEM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, OMALUR, SALEM.

CC to M/S. KARAN AND UDAY Advocate on payment of necessary charges

CRL OP.9183/2020

Date :30/06/2020

TA-14/07/2020